Navajo Community Planning Group

Recommendations for the Amendment of CUP 82-0611, PRJ-1070013

Date approved by Board of Directors: January 8, 2026

NCPG Chair: John Hoy

OVERVIEW Statement for the Review of Amended CUP 82-0611

The recommendations we are making in the following pages of this report align with the dual purpose of the Conditional Use Permit: to allow the extraction of stone resources for the general benefit of society while also fully protecting the health, safety, and welfare of the community.

Evidence indicates that the facility has been very successful in providing the greater area with necessary resources. However, the health, safety, and welfare of the community has been impacted. **We have identified several major problems contributing to the impacts on the community and have listed them below, along with recommendations for action to help correct these problems.**

 # 1: The reclamation plan is inadequate, outdated, and inconsistent with the CUP. The plan does not reflect current site conditions; it lacks adequate maps and landscaping detail; it does not agree with setbacks described in the CUP. Descriptions and applications of subareas A and B are contradictory and without apparent reason.

REQUESTED ACTION:

Require an updated reclamation plan for public review that exactly aligns with CUP descriptions and reclamation requirements, which includes five-year phases, measurable success criteria, City oversight, and enforceable milestones.

 # 2: Residential neighborhoods and blasting are incompatible land uses. Without a buffer zone, public safety is at risk. Blasting has caused a major rockslide that threatened flood control measures and the integrity of the trunk sewer under the San Diego River. Two flyrock incidents have sent projectiles further than 1,000 ft into residential areas. Vibrations, dust, and noise continue to impact neighbors.

REQUESTED ACTION:

(1) Prohibit blasting south of the San Diego River; (2) Require minimum 500-ft blasting setbacks north of the San Diego River; (3) Mandate a Best Available Control Technology upgrade for the aggregate rock crusher, with BACT evaluations scheduled in the future for all pollution-control equipment; (4) Schedule an environmental study for dust control.

 # 3: The CUP lacks effective enforcement. The required plant screenings are failing as vegetation dies. Prohibited storage accumulates in Subarea B. Condition 22(b) is not being observed: Saturday operations within 500 feet of residential structures persist. Noise complaints receive no systematic monitoring. This “annual” review is 25 years late, with the lapse being corrected only after sustained community pressure.

REQUESTED ACTION:

(1) Designate a single lead-agency liaison — publicly listed as the City’s point of contact — who is responsible for implementation of required activities, regular public reporting, and answering community questions regarding the facility; (2) Schedule a study for noise levels and nuisance noise to commence no later than 15 weeks after the adoption of this CUP, to occur during normal operation hours.

 # 4: Residents are disempowered by lack of proper communication. Many residents do not know the CUP exists or whom to contact if there are problems. Notification area, method, and responsibility are inadequate.

REQUESTED ACTION:

(1) Extend mailed notification to include all areas impacted by facility emissions, according to APCD statistics; (2) Annually mail information to nearby residents about the CUP and their rights, along with correct City contact for complaints

In our judgment, if these major problems are not directly addressed, the CUP’s effectiveness will be severely limited, no matter how much thought is put into the re-writing of conditions. We respectfully request the adoption of our recommended actions.

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New Condition (PUBLIC NOTICE PACKAGE)

"PUBLIC NOTICE PACKAGE" CURRENTLY DOES NOT APPEAR IN THE CUP: This is an additional condition.

SUGGESTED ADDED CONDITION – Public Notice Package:
The notification area for this CUP for the Notice of Application, Notice of Future Decision, Notice of Public Hearing, and Notice of Availability shall be the area outlined in red shown on the diagram/map labeled as: Appendix, New Conditions: Public Notice Package/Public Service Announcement -- Area for CUP Notification. Notification shall be by mail. In this instance, §112.0302 (c) shall NOT apply. (§126.0302). This condition will start immediately after amended CUP 82-0611 is adopted.

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BACKGROUND for Public Notice Package:

Even with the best management, it is unreasonable and unrealistic to assume that this facility will not impact properties more than the standard 300 feet from its borders. The same way The City cannot have only one standard speed limit for every road in San Diego, specific use cases greatly add to the safety and functionality of the community.

For example, society needs asphalt and cement products, and the Facility needs strong and potentially toxic chemicals to make these products. Even with air pollution controls to capture most emissions, winds can carry emissions, odors and dust far beyond the standard 300 feet, up to 2,700 feet or more from the facility. (APDC, HRA for SRM, 2013, 2017) And, likewise, even with the best upgrades in blasting technology that the Facility has implemented, blasting can never be a totally risk-free operation. Despite all precautions the Facility has put in place, should something go wrong, the impacted distance could realistically be over 1500 feet. (MSHA 6595381, 2014)

As a community, we have passed the stage when residential areas were protected from the operations of the Facility by distance. We obviously cannot go back and add extra land. But what we can do is acknowledge the problem as it exists today and use the best available technology (BACT) so there is the least possible impact on the neighboring community. (San Diego General Plan, LU-C.5)

The Facility has already updated its operations with many technical advances. However, how and under what circumstances the Facility communicates to neighbors has not been updated-by The City.

- Since property owners up to 2700 feet away from the Facility can be affected by the operations of this facility, and
- Since all affected property owners have a right to be included in the official notifications of the permitting process, (CA Gov Code, section 65033) and
- Since City code allows changing the specifics of a permit on a case-by case basis, (§126.0301),
- The Notification for this particular facility should be changed to include the entire area outlined in red, shown on the diagram/map labeled as: Appendix, New Conditions: Public Notice Package/Public Service Announcement -- Area for CUP Notification, an irregularly shaped area which encompasses between 750 feet and 2700 feet from the boundaries of the CUP area (including subareas A and B).

FINDINGS for Public Notice Package:

Whereas: **Public notification is a crucial part of the permitting process**, ensuring transparency in land use applications, and giving affected neighbors an opportunity to express their concerns about the impact of the application on their property. (CA Constitution, sec 1 and 3(a) and (b).) Indeed, it is the intent of the Legislature, as well as the policy of the state, that "the public be

afforded the opportunity to respond to clearly defined alternative objectives, policies, and actions." (CA Gov Code, section 65033), and

Whereas: **The City's intent is that each discretionary permit is to be reviewed on a case-by-case basis** to determine under what conditions the use may be approved at a given site, (§126.0301) and

Whereas: **the Facility is NOT a typical discretionary project**. In fact, The California Air Resources Board (CARB) currently lists the Facility as a "High Priority" (high risk) facility. A facility would be rated as "High Priority" because of issues such as "potency, toxicity, quantity, and volume of hazardous materials released from the facility, [and] the proximity of the facility to potential receptors" (homes and businesses). This is not the same as living next door to a neighbor who added a granny flat to their home, and

Whereas: **If the standard 300-foot notification area is used for this Facility, the majority of affected property owners may not be aware of the permitting process.** The notification area needed in order for this particular facility to reach all properties impacted by its operations must be determined by the specifics of this particular case.

Whereas: the Facility, in cooperation with the APCD and other agencies, has recently worked hard and invested significant resources to upgrade its equipment for controlling emissions, including odor emissions**.** The neighboring community is very appreciative of these improvements and does not wish in any way to diminish these efforts. However, it does not alter the fact that the Facility does, in fact, still impact the community in adverse ways.

Whereas: records of regulatory agencies can be used to determine what areas are affected by the operations of the Facility. The California Air Resources Board (CARB) and the local San Diego Air Pollution Control District (APCD) keep such records.

- The APCD determined, when starting the Facility's latest (2017) Health Risk Assessment (HRA), that 2 km (6561 feet) from the Facility was the appropriate distance to look at to ensure they would identify all areas where there was the potential for the risk to be above the Rule 1210 thresholds." (Jim Swaney, Engineer, APCD, Aug 13, 2024)
- In the latest (2017) HRA, the 1 in one million (low) cancer risk area extended from the boundary of the production area for 5,280 feet. (APCD 2017 HRA for SRM figure 4, Isopleth for Cancer Risks, page 34.)
- In the same HRA, the index for 0.1 chronic non-cancer hazard risk (low) extended from the boundary of the production area for 3,000 feet. (APCD 2017 HRA for SRM figure 5, page 41.)
- We can also determine what areas are affected by the operations of the Facility by looking at a sampling of the complaints the APCD receives concerning the Facility. Some complaints are from distances around 3,000 feet away. (APCD2021-CMP-0624, APCD2021-CMP-0625, APCD2021-CMP-0629, APCD2020-NOV-000161, APCD2018-CMP-0048) However, the majority of complaints are from within the area outlined in red, shown on the diagram/map labeled as: Appendix, New Conditions: Public Notice Package/Public Service Announcement -- Area for CUP Notification (and shown in the diagram/map below).

Whereas: **because of its sheer size and volume of production,** the facility can impact its many neighbors (residents and businesses in Tierrasanta, Allied Gardens, San Carlos, Grantville) with additional truck traffic, track-out and nuisance dust, noise, and un-scenic industrial areas.

Whereas: **the policy of The City's General Plan regarding mineral production is to produce sand and gravel with minimal harm and disturbance to adjacent property and communities.** (CE-K.3) The first step in this process is communication with ALL affected property owners, not just those within a 300-foot distance from the facility.

Whereas: **the right of all affected property owners to be notified of circumstances affecting their properties is upheld by the courts.** Rather than limiting public notification to 300 feet, the Court upholds that "Public notices must be reasonably calculated to afford affected persons the realistic opportunity to protect their interests." (Horn v. County of Ventura, 24 Cal.3d 605, 1979) (Cal Constitution Sec 1). Local agencies may expand the area of notification in order to give notice of the hearing in "any other manner it deems necessary or desirable." (CA Gov Code, section 65905.c)

Whereas: §112.0302 allows, but does not require, notification via newspaper rather than mail if the volume of mailings is large. However, the legal section of newspaper ads and other advertising avenues are not widely read by the public, thus making them ineffective for notifying the typical property owner, and if used, would completely defeat the purpose of expanding the area of notification in this instance.

Whereas: the State of California desires that its citizens have full access to all of their rights, that statutes be broadly construed if they further the people's right of access and narrowly construed if they limit the right of access. (CA Constitution Sec 3 (b) (2).)

Whereas: **it is the policy of the San Diego General Plan to include all community members who wish to participate in land use planning** (LU-C.5)

Whereas: **The Navajo Community Plan recognizes that the involvement of citizens is a key element to the continued vitality of the community-**(Navajo Community Plan, p 136)

Whereas: **The City is not exempt from State of City policies and regulations**. It may not deny the property owners the right "to respond to objectives, policies, and actions that may affect their properties." (CA Gov Code, section 65033). The City is granting a CUP to a facility that potentially has serious effects on the health, safety and welfare of neighbors within areas up to 2700 feet of its operations. Not to give notification to ALL of the involved community members would be going against the San Diego General Plan which calls for INVOLVING community members rather than intentionally withholding information from them. (LU-C .5 c)

Therefore: **the notification area for CUP 82-0611 should be expanded to the area outlined in red shown on the diagram/map labeled as: Appendix, New Conditions: Public Notice Package/Public Service Announcement -- Area for CUP Notification,** (and shown in the diagram/map below), which encompasses areas between 750 and 2700 feet from the boundaries of the Facility's CUP area, and the notifications to these property owners should be sent by mail to ensure that neighbors are informed and are part of the permitting process.

AREA FOR CUP NOTIFICATION
Red - suggested area of notification
Green - legally required area of notification
Yellow - boundary of CUP production area
Google

IMPACT for Public Notice Package: There is minimal cost and workload associated with notifying additional property owners via a first-class letter, most likely once every one to five years, about the four notices required by §112.0302. The benefits, however, are substantial. This change will keep the CUP notification in line with the intent of the Constitution of CA, helping the public stay informed about their community, their rights, and their responsibilities. Conversely, not notifying affected property owners of potential changes could lead to serious damages, especially when notifications could ultimately involve something as serious as a fatal flyrock incident, or the dispersal of toxic emissions, or the pollution of waterways.

TIMING for Public Notice Package: This condition would be implemented upon the approval of the amended CUP 82-0611.

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New Condition (PUBLIC SERVICE ANNOUNCEMENT)

"PUBLIC SERVICE ANNOUNCEMENT" CURRENTLY DOES NOT APPEAR IN THE CUP: This is an additional condition.

SUGGESTED ADDED CONDITION – Public Service Announcement:
The Permittee shall annually mail a public service announcement, as shown below, to residences and businesses within the area outlined in red shown on the diagram/map labeled as: Appendix, New Conditions: Public Notice Package/Public Service Announcement -- Area for CUP Notification, The purpose of the announcement is to briefly explain the purpose and importance of the CUP for community members and to give updated, verifiable contact information to the community for the subjects listed below:

a. Odors, emissions, dust, health concerns, pollutants,
b. Sediment tracked out into Mission Gorge Road or debris entering storm drains,
c. Noise, safety of operations, allowed hours of operation, blasting/vibration concerns,
d. Request to be notified for any official Notices concerning the facility,
e. Information about participating in CUP reviews,
f. City contact for general information about the facility,
g. Representative(s) for the facility,
h. Opt-in for email blasting information.

The first mailing shall be within 45 days of the adoption of the amended CUP and then annually thereafter on the anniversary of the adopted CUP. The outside of the envelope shall prominently display: "Enclosed is and whom to contact should there be concerns." to distinguish it from unsolicited "junk" mail.

No additional information shall be added unless approved by The City. The City shall approve the announcement before it is sent to make sure that all information is accurate and as required. The announcement must not undermine the authority of the APCD, the Stormwater Department, or Code Enforcement. The only county agency with the authority to deal with air quality complaints is the APCD.

BACKGROUND for Public Service Announcement: To enhance community participation and promote enforcement of regulations, it is crucial that the community surrounding the facility at 7500 Mission Gorge Road is aware of contact numbers for all relevant regulatory agencies. Something as simple as an up-to-date list of important contact numbers, proactively sent out to the community by the permittee, will empower the community to recognize and report issues of concern related to the facility's operations, thereby supporting transparency and enhancing communication between residents, the facility, and regulatory bodies. By providing these contact details to the community every year, the permittee confirms its commitment to help maintain an informed and active public, fostering a safer and healthier environment and a facility more in touch with concerns of community members.

FINDINGS for Public Service Announcement:

Whereas: San Diego residents have the right to know all of the laws that affect them. (ARTICLE I DECLARATION OF RIGHTS, CA Constitution) However, while major laws are easy to find and access, local ordinances such as CUPs often go unnoticed by the public and are not easy to find even if the public knows about them, and

Whereas: San Diego residents have the right to contact their representatives to advocate for their rights and seek appropriate resolutions for grievances (ARTICLE I DECLARATION OF RIGHTS, CA Constitution). However, there are so many regulatory agencies that oversee the facility at 7500 Mission Gorge Road, it can be exceedingly difficult and challenging to find the correct person to contact when there is a concern. And while The City's Get-It-Done app handles many complaints, it is designed for reporting routine maintenance issues and not an appropriate vehicle for reporting the more complex issues of the facility's CUP, and

Whereas: it makes good sense to have an informed community. Economic and operational efficiency is enhanced when residents are well-informed and actively engaged in reporting concerns as they arise since The City and regulatory agencies cannot continuously monitor every potential problem area, and

Whereas: the facility's potential impacts upon neighbors can extend to at least 2,700 feet from the property boundaries (See findings, above, for "Public Notice Package"), and

Whereas: keeping a community informed is an ongoing commitment. People move out, new people move in, people forget things, people lose information. Without periodic reminders, people don't know if past policies and procedures are still valid. Regular and continuous communication helps to ensure that residents are aware of current contact numbers.

***Therefore*, In order to keep the residents who are affected by the facility informed so their health, safety and welfare can be protected and so the government may run more efficiently and economically, it is necessary to send an annual public service announcement to all residential and business properties within the area outlined in red shown on the diagram/ map labeled as: Appendix, New Conditions: Public Notice Package/Public Service Announcement -- Area for CUP Notification.** This announcement should detail the purpose of the CUP and provide instructions for reporting potential concerns.

TIMING for Public Service Announcement: Within 45 days of the adoption of the CUP, and then annually thereafter.

IMPACT of Public Service Announcement: The first step in Code Enforcement is reporting a problem. For the relatively small effort and price of mailing a letter to nearby residents once per year, The City is enabling community members to report problems that would otherwise not be known to the proper authorities, and community members are given the means to have their voices heard by both City officials and Facility representatives.

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New Condition (ODOR CONTROL)
"ODOR CONTROL" DOES NOT CURRENTLY APPEAR IN THE CUP: This is an additional condition.
SUGGESTED ADDED CONDITION -- Odor Control: The Facility shall not manufacture or utilize rubberized asphalt.

FINDINGS for Odor Control:

Whereas: the production of rubberized asphalt is well known to have an extremely strong, unpleasant odor, and

Whereas: air contaminants which cause detriment, nuisance or annoyance to any considerable number of persons or to the public are not permitted, (APCD Rule 51; California Health and Safety Code Section 41700) and

Whereas: sand and gravel should be produced with minimal harm and disturbance to adjacent property and communities, (SDGP, CE-K.3) and

Whereas: odor should be controlled to minimize nuisances to adjacent uses, (Navajo Community Plan, Community Environment, Proposals, Buildings-Structures) and

Whereas: restrictions should be placed on odor-producing activities next to built-up areas, (Navajo Community Plan, Community Environment, Proposals, Programs) and

Whereas: when the Facility produced asphalt, including rubberized asphalt, in 2019-2020, many residents said they were impacted by the odors, and

Therefore: it is not appropriate for SRM to produce rubberized asphalt at its Mission Gorge facility.

IMPACT for Odor Control: The impact on the community during the production of rubberized asphalt was significant enough for the APCD to take action. The production of products with odors as strong as rubberized asphalt is not compatible with surrounding land uses. Even if The City were to allow for this operation, the APCD would not.

TIMING for Odor Control: This condition is to begin immediately.

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New Condition (PROPERTY MAINTENANCE & COMMUNITY ENGAGEMENT)

"PROPERTY MAINTENANCE & COMMUNITY ENGAGEMENT" DOES NOT CURRENTLY APPEAR IN THE CUP: This is an additional condition.

SUGGESTED NEW CONDITION – Property Maintenance & Community Engagement:

a. The permittee shall keep the property free from fire hazards.
- Grass shall be mowed on the field next to Mission Vista Road at least twice a year, avoiding breeding season for the California Gnatcatchers (March 1 through August 15).
- All palm trees on the property shall be kept free of dead fronds.
- Each year before fire season, the facility shall remove potential fire hazards such as dead branches from trees, piles of dead leaves and branches and twigs on the ground, including areas within the landscape barrier or other live plant growth.
- Care shall be taken when removing dead branches not to drag the debris on the ground, killing smaller plants and potentially causing erosion.
- Brush management near the San Diego River shall be conducted in accordance with regulations of the Fire Department.
- The permittee shall maintain fire safety protocols as described by the Fire and Rescue Department for protecting and preserving the land within the CUP boundaries.

b. The permittee shall provide proper landscaping. A landscaped area of sufficient depth to screen the Facility Operations shall be maintained along the border of the Facility along the north side of Mission Gorge Road from the main entrance and easterly towards Mission Vista Drive until the point (at

approximately the 7600 block of Mission Gorge Road) where the view of Facility operations is blocked by the hill on the northern side of Mission Gorge Road.

1) This landscaped area will accommodate the plant barrier described in condition #30 of this CUP. It will additionally support or allow for:
- berms to increase the screening ability of the plant barrier;
- both tall trees and shrubs,
- barrier walls that may be incorporated into the screening, provided that the criteria set forth in the Navajo Community Plan is met and the screening coverage is sufficient;
- security fencing to discourage intruders and encampments,
- an irrigation system to keep vegetation alive.

2) At all places where the facility's property is above the grade of Mission Gorge Road, the elevated land will be properly graded and vegetated to prevent any dirt, mud or rock slides on Mission Gorge Road.

c. The permittee shall trim all vegetation originating from the Facility's property to avoid obstruction in any lane of a public road or sidewalk.

d. The permittee shall maintain a security fencing around the entire facility.

e. The permittee shall make a thorough inspection of the area every six months (March and September). The inspection shall include the area adjacent to and visible from Mission Gorge Road, from 7192 Mission Gorge Road to Margerum Ave (excluding properties that are not part of the CUP).

1) A report of the inspection, made by the permittee, shall contain the date of the inspection, the person doing the inspection, any plants that were dead or sickly, any maintenance work that needed to be done, any work that had been done, any erosion, any rock/dirt/mud slides, any obstructions to any lane of Mission Gorge Road, any trash removal needed, any evidence of encampments.

2) Photo documentation shall be made to show the general condition of the area and to show areas where work needs to be done.

3) The report shall include follow-up work as it is done.

4) The report shall be kept through a minimum of two CUP reviews and shall be available for The City or community members to view upon request.

5) The permittee will extend an invitation to Community Planning Groups immediately adjacent to the landscaped area to invite interested community members to participate in these inspections.

f. The street sweeper shall make a visual inspection of Mission Gorge Road every morning that the Facility is operating to see if there are any fallen branches or other obstacles for travelers on Mission Gorge Road from Margerum Ave to 7192 Mission Gorge Road. All obstacles that originated from the facility shall be promptly removed or corrected.

g. The Permittee will maintain a permanent presence on the facility's publicly accessible website that will list activities that will affect the community in order to improve communication with neighbors with regards to operations that affect the community. Examples would include letting neighbors know about landscape projects, grading, inspections, or other projects that could affect the community. These examples are meant to encourage, not restrict, communications with the community. This website presence need not be large, but it must be easily locatable. This website presence is not meant to replace the email hotline maintained for informing residents of the Facility's blasting schedule. h. In order to facilitate open, transparent, and meaningful dialogue in a setting and format that is supported and trusted by the community, the Permittee, if requested, shall be available to participate in a meeting of an adjacent Community Planning Group, to discuss concerns, give updates and/or answer questions from the community. Such requests will be made respecting the value of time for all concerned.

(See image below for a possible sample website presence. Image to be removed in actual CUP)

FINDINGS for Property Maintenance & Community Engagement:

Whereas: The following regulations and policies support the proper, attractive, safe maintenance of the Facility's property:

Whereas: The development of an attractive community is one of the first considerations of the residents of the Navajo community, not only as a matter of personal pride and stabilization of property values, but in realization of the natural attractiveness of the area as a desirable place to live. (Navajo Community Plan, Community Environment, Proposals, Natural)

Whereas: Mission Gorge Road industrial development should be properly screened with landscaping and other suitable means. The area should be made presentable to the community and motorists on Mission Gorge Road because of its importance as an entry to the community, the Old Mission, and Mission Trails Regional Park. (Navajo Community Plan: Mission Gorge Road Route, Landscaping)

Whereas: The appearance of public and private special use properties such as mineral extraction operations should be improved. (Navajo Community Plan: Community Environment, Buildings-Structures)

Whereas: Nuisances to adjacent uses should be minimized through the screening of unaesthetic land uses. (Navajo Community Plan: Community Environment, Buildings-Structures)

Whereas: Grading, landscaping standards and control of hillside cuts should all be improved. This should have immediate implementation. (Navajo Community Plan: Implementation, Community Environment, A.)

Whereas: The Mission Gorge Road industrial development should be screened. This should have immediate implementation. (Navajo Community Plan: Implementation, Community Environment, A)

Whereas: All operations shall be conducted in a safe and sanitary manner, so as not to endanger/damage any adjacent public or private property. (Condition #24, CUP 82-0611)

Whereas: The proposed use as a natural resource facility would not adversely affect the neighborhood, the General Plan, nor the Community Plans and would not be detrimental to the health, safety and general welfare of persons living or working in the area. (Council Resolution 258660, 6-16-83)

Therefore, each item in the "Property Maintenance & Community Engagement" condition should be part of the CUP.

IMPACT for Property Maintenance & Community Engagement: There will be initial expense in establishing the landscaping that is supported by the Navajo Community Plan. It is, however, very important to the community.

TIMING for Property Maintenance & Community Engagement: These items should start with the adoption of the amended CUP.

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New Condition (DUST CONTROL)

"DUST CONTROL" DOES NOT CURRENTLY APPEAR IN THE CUP: This is an additional condition.

SUGGESTED NEW CONDITION – Dust Control:

The Facility shall be in compliance with all applicable dust regulations from Federal, State and local agencies, including the APCD and the City's Stormwater Department. The Facility's Storm Water Pollution Prevention Plan (SWPPP) shall be accurate and up to date. Dust control methods shall be applied to any dust producing conditions which may develop and result in a nuisance from this operation, as may be determined by the Air Pollution Control Officer, the Stormwater Department, by The City, or by other regulatory agencies.

a. **Equipment.** Air quality control equipment shall be provided and properly maintained in a manner which protects the welfare of the community. Therefore:

1) By the end of 2024, the facility will replace the baghouse of the asphalt plant with a new BACT baghouse.
2) By the end of 2026, the facility will replace the baghouse of the Dual Alley Concrete plant with a new BACT baghouse.
3) All permitted equipment used at the Facility shall be operated and maintained to meet APCD regulations. Permitted equipment includes, but is not limited to, the hot mix asphalt plant, both cement plants, both rock plants (aggregate processing/crushing), elevators, conveyors, baghouses, cyclones, screens, cement soils, weight hopper.
4) The Applicant will create a revised inspection and maintenance schedule for all equipment with the capacity for dust or odor creation and keep a written log of inspections and maintenance, to start no later than August,2026.

b. **Roads.**

1) By the end of 2026, the Facility shall pave the interior road that runs from the main gate past the asphalt plant, (more or less parallel to Mission Gorge Road).
2) Between the main entrance at 7500 Mission Gorge Road and 7198 Mission Gorge Road, the Facility shall use a street sweeper 3 times a day and twice on Saturdays, including one sweeping after the conclusion of business, whenever the plant is in operation.
3) Both sides of Mission Gorge Road shall be swept, as per the recommendation of the Stormwater Department. A written log, available to The City, shall be kept for recording street sweeping**, to** start no later than Aug 2026.
4) All access areas, operating areas, and roads shall be oiled, paved, or otherwise dust-proofed.

c. **Good Housekeeping.** Good housekeeping includes, but is not limited to, APCD regulations/permits, requirements of the Facility's SWPPP, and the following:

1) All paved areas within the Facility shall be swept with a street sweeper daily. To start no later than August 2026.
2) All unpaved roads within the plant and quarry shall be oiled or shall be wet with a water truck every two hours during operation, unless the road is already visibly wet to the point that adding more water would create mud; To start no later than August 2026.
3) The Facility shall apply an environmentally safe dust suppressant to the unpaved areas once a year unless requested by The City not to do so; To start no later than August 2026.
4) The Facility shall ensure that all loads of aggregate are wet or the loads shall be covered, before leaving the Facility to minimize dust; to begin immediately.
5) All transfer points at the end of conveyors within the plant shall have a water spray, and this spray will thoroughly wet the materials being conveyed. Each spray shall be inspected

weekly, and the results of the inspection shall be recorded; To start no later than August 2026.

6) Dust emissions at screens, rock crushers at grading and mining areas, and all transfer points of materials shall be controlled by water sprays or other equally effective dust control methods, as required by the APCD.

7) Additionally, the active area of each stockpile of material within the plant (where loading into a truck is occurring) shall be watered with a water truck at 2-hour intervals whenever trucks are being loaded from the stockpile; To start no later than Aug 2026.

8) The cleaning area that is provided for ready mix trucks to unload leftover concrete to prevent accumulation of cement residue on the ground where it could be pulverized into dust by vehicular traffic shall remain in place.

d. <u>Environmental Study Focusing on Dust.</u>

1) A study will be undertaken by environmental consultants with specialized expertise in the mining industry. This study will incorporate community input and will evaluate the effectiveness of all dust control measures and solutions currently employed at the Facility. The focus of the study will be on the impact on the neighboring community and the environment. The study will formulate recommendations to enhance dust mitigation, which will subsequently be implemented.
   a) The City shall select the conductors of the study within three months of the date of the adoption of this amended CUP and start the study soon thereafter.
   b) The study shall include methods to control the dust produced by blasts.
   c) The study shall include determination of the condition of the plant equipment and the dust control equipment and the practicality of upgrading existing equipment to Best Available Technology.

2) Or, instead of the study, these conditions shall be implemented:
   a) The Permittee shall upgrade the aggregate rock plant to the best available technology within three years of the adoption of this amended CUP.
   b) The permittee shall use an environmentally safe dust suppressant on all unpaved areas of the production area four times per year, or according to manufacturer's direction. Watering of areas shall be done according to manufacturer's directions or more frequently if needed to control dust. This shall be done in coordination with and starting at the same time as the similar improvement measure requirement, if such a condition is added to the CUP.

BACKGROUND for Dust Control: All quarries and their related operations, by their very nature, can have major problems with dust (Particulate Matter). However, with the oversight of regulatory agencies, with responsive actions taken by the Facility, and with community involvement over the past several years, many substantial improvements have been made in the Facility's dust control. While this is very encouraging, the Facility and the community, in keeping with The City's General Plan (CE-K.3) would like to see if more can be done. Both parties are committed to furthering the progress of dust control and recommend an environmental study focusing on dust be conducted as soon as possible so that a course of action to further increase dust control can be charted.

All CUP conditions dealing with dust have been gathered in the new "Dust Control" Condition in order to more easily address this problem.

FINDINGS for Dust Control:

Whereas: the Facility's very first Conditional Use in 1969 addresses the issue of dust, "Applicant shall adopt operating procedures which will minimize nuisance dust emissions." (CUP 238-PC, 1969). And every subsequent amendment of the CUP repeats that requirement.

Whereas: the policy of San Diego's General plan, updated in 2024, is that sand and gravel should be produced "with minimal harm and disturbance to adjacent property and communities." (SDGP, CE-K.3)

Whereas: the Facility must comply with dust regulations of:

- EPA, Clean Water Act and Clean Air Act
- The State Water Resources Control Board
- California Health and Safety Code section 41700
- City code §142.0710, regulation of air contaminants (section 43.03)
- The Stormwater Department's rules and the Facility's SWPPP
- San Diego County Air Pollution Control District's rules, including Rule 20, 21, 1200, 51 and 55 and individual equipment permits

Whereas: Permitted equipment must be in good shape per APCD rules 20, 21, 1200

Whereas these conditions are already in the CUP: (This new "Dust Control" condition consolidates other conditions within the CUP that deal with dust.)

a. 4) is summary of 20c,20d, 20e, 20i, 20j.

a. 5) as found in 20c, 20d, 20e.

b. 4) as found in 20a.

c. 5) as found in 20b.

c. 7) as found in 20c.

c. 10) as found in 20h.

Whereas: the "Improvement Measures" from the 2023 lawsuit lists dust control measures that the Applicant has requested be put into the CUP.

a. 2) is from lawsuit settlement Improvement Measure # f.

a. 3) is from lawsuit settlement Improvement Measure # f.

a. 4) is from lawsuit settlement Improvement Measure # k.

b. 1) is from lawsuit settlement Improvement Measure # a.

b. 2) is from lawsuit settlement Improvement Measure # I, adding times of day.

b. 3) is from lawsuit settlement Improvement Measure # i.

c. 1) is from lawsuit settlement Improvement Measure # b.

c. 2) is from lawsuit settlement Improvement Measure # c.

c. 3) is from lawsuit settlement Improvement Measure # c. wording slightly changed including not mentioning magnesium chloride.

c. 4) is from lawsuit settlement Improvement Measure # d.

c. 6) is from lawsuit settlement Improvement Measure # h.

c. 8) is from lawsuit settlement Improvement Measure # e.

c. 9) is from lawsuit settlement Improvement Measure # h.

Therefore: All dust control measures suggested here should be included in the amended CUP 82-0611.

IMPACT for Dust Control: Most of the items in the condition are already in place and as such would not cause a substantial additional impact. The environmental study will probably be expensive, but it needs to be done if dust is to be controlled, as the General Plan suggests that it should be. We cannot know before the study is done what the recommendations will be.

TIMING for Dust Control: All items will start with the adoption of this amended CUP or as indicated herein.

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New Condition (NOISE CONTROL)

"NOISE CONTROL" DOES NOT CURRENTLY APPEAR IN THE CUP: This is an additional condition.

This condition does not currently appear in the CUP, although the equipment listed in the first paragraph previously was listed in Condition 20 specifying that it had to meet all noise abatement regulations. (Basically, the noise conditions were all moved to this section.)

SUGGESTED NEW CONDITION – Noise Control:

The Facility shall comply with all state and local regulations for sound, which includes regulations for both SOUND LEVEL LIMITS and NUISANCE NOISE. For the purposes of this CUP, "sound" and "noise" shall have the same meaning. *Sound Levels* are measured in decibels. *Nuisance Noise* is determined by the quality of the sound.

a. Requirements from previous versions of the CUP apply: All equipment must be operated and maintained to meet noise abatement regulations, including, but not limited to: dust emissions at screens, rock crushers at grading and mining areas and material transfer points, cement mix plant dust, conveyors and elevators, hot plant ducts, elevators, and dust collectors.

b. The City shall commission a comprehensive sound study, tailored to the specific needs of the Facility and the nearby community, conducted by qualified sound engineers selected by The City. (See Appendix, New Condition: Noise – Sound Study Criteria)

1) This study will determine the sound levels emitted by the Facility and recommend measures to mitigate these levels, aiming to reduce noise for both community members and Facility personnel.

2) The sound study shall also include an assessment of nuisance noise (which is determined by the quality of the sound as well as by loudness) experienced by community members and provide recommendations for noise abatement.

3) If sound mitigation is required, a second sound study shall be done after the mitigation improvements are completed to determine the effectiveness of the improvements.

4) The sound study shall commence no later than 15 weeks after the adoption of this CUP.

5) The sound study shall be repeated as necessary, based on changes in operations, noise levels, or regulations.

BACKGROUND for Noise Control: While both the Facility and the community realize that extractive operations can never be "whisper quiet," they both acknowledge the need for a scientific evaluation of the Facility's operational sounds so that any needed adjustments can be made to either the general noise level or to possible nuisance noise experienced by residents while on their property, both in their homes and outdoors, often in areas that face the Facility. The noise level in these residential settings usually differs greatly between the front and the back of the home because the houses themselves tend to block the noise originating from the Facility. Accurate sound levels can only be obtained where the noise is actually heard, which may mean that many or most sound measurements must be taken in homes or in backyards.

FINDINGS for Noise Control:

Whereas: The City of San Diego's noise regulations mandate that the Facility must not exceed the permitted noise level limits (Section 59.5.0401 SDMC), and

Whereas: The City of San Diego's noise regulations prohibit offensive noises that cause "discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area" (Section 59.5.0501 SDMC), and

Whereas: there is technology available to reduce noise levels in quarries and their production areas, and

Whereas: the policy of the General Plan of The City of San Diego is that sand and gravel should be produced with minimal harm and disturbance to adjacent property and communities (SD General Plan, CE-K.3), and

Therefore: a comprehensive sound study should be done and noise regulations are to be enforced:

- to determine the NOISE LEVEL of the Facility,
- to evaluate the NUISANCE NOISE produced by the Facility,
- to determine and evaluate noise abatement measures

IMPACT for Noise Control: While the study is most likely expensive, the Facility is obligated to operate within the City's noise regulations, and The City is obligated to enforce the noise regulations. There is no other way to know what the sound levels are than to conduct a sound study.

TIMING for Noise Control: The sound study should commence no later than 15 weeks after the adoption of this CUP, with the start date of the actual study not announced in advance.

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New Condition (BEST AVAILABLE CONTROL TECHNOLOGY "BACT")

"BEST AVAILABLE CONTROL TECHNOLOGY 'BACT' " DOES NOT CURRENTLY APPEAR IN THE CUP: This is an additional condition.

SUGGESTED ADDED CONDITION – BEST AVAILABLE CONTROL TECHNOLOGY (BACT):

The Permittee shall maintain all permitted air pollution control equipment in a manner that fully supports the public health, safety, and welfare of the surrounding community, consistent with the intent of San Diego Municipal Code (SDMC) §126.0301. To fulfill this obligation, all such current (2025) equipment shall be brought to current Best Available Control Technology (BACT) or Best Available Retrofit Control Technology (BARCT) standards, as defined by the San Diego Air Pollution Control District (APCD) and the California Air Resources Board (CARB) and shall be maintained in good working order. Any new air pollution control equipment will be subject to the requirements of this condition.

a. PURPOSE:

This condition ensures a higher and more appropriate level of protection for nearby residents, prevents recurrence of past deficiencies in pollution control, and closes regulatory loopholes that have allowed outdated or inadequate equipment to remain in use despite documented detrimental impacts.

This condition supplements, rather than conflicts with, existing CUP requirements to maintain air pollution control equipment in operable condition. While the APCD is limited to enforcing emission thresholds established under state and federal law—including State Implementation Plan (SIP) triggers for BACT—the City, under SDMC §126.0301, is both authorized and obligated to impose additional conditions when site-specific circumstances threaten public health and welfare. Such circumstances have been documented by APCD inspection reports, multiple violation notices, and sustained community complaints.

b. IMPLEMENTATION:

BACT upgrades will be scheduled as follows:

1. **Asphalt Plant** (APCD2008-PTO-930742): BACT baghouse installed in 2024 under a separate legal settlement; no further CUP action is required until the next review.

2. **Concrete Batch Plant** (APCD2008-PTO-972902): BACT baghouse to be installed by the end of 2026 under a separate legal settlement; not enforced through this CUP condition.

3. Aggregate Rock Plant (APCD2008-PTO-001572): Upgrade to BACT by the end of 2028. (In service since before 1973; previously avoided BACT upgrade through regulatory loophole.)

4. **CTB Plant** (APCD2008-PTO-001339): Evaluate by Dec. 31, 2027; if technologically and economically feasible, upgrade to BACT by the end of 2030.

5. **Relocatable Rock Crushing Plant** (APCD2008-PTO-890533): Evaluate by Dec. 31, 2029; if technologically and economically feasible, upgrade to BACT by the end of 2032.

c. FUTURE EVALUATIONS OF UPGRADED EQUIPMENT (Technology Review Reports):
The Permittee shall retain a qualified environmental engineering consultant to prepare and submit a Technology Review Report to the City for all permitted equipment* at least once every ten (10) years, or sooner if the APCD or California Air Resources Board (CARB) identifies more effective BACT or BARCT is feasible for this facility.
1. The review shall include, at minimum, all equipment listed above.
2. The Technology Review Report shall:
(a) Compare existing equipment with current BACT/BARCT standards;
(b) Identify more effective and cost-feasible control technologies;
(c) Provide a proposed implementation schedule for upgrades.
3. If the review identifies more effective BACT or BARCT, the Permittee shall install upgrades within twenty-four (24) months of City approval.
4. Failure to submit the Technology Review Report by the deadline constitutes a CUP violation and may subject the Permittee to enforcement actions, including suspension of operations.
5. The Permittee shall notify the City at least six (6) months prior to each review deadline to initiate the process.
6. All new air pollution control equipment will be subject to review at 10-year intervals based on APCD start-up date.
* Equipment under a Certificate of Registration, rather than a full Permit to Operate, is exempt from this condition.

d. MANDATORY BACT UPGRADE FOR THE AGGREGATE ROCK PLANT:
The Aggregate Rock Plant (APCD2008-PTO-001572) shall be upgraded to BACT no later than December 31, 2028.

BACKGROUND for 'BACT': The facility's three largest pieces of permitted air pollution control equipment are the asphalt plant, the concrete batch plant, and the aggregate rock crusher plant. All three have baghouses, which filter harmful emissions. The asphalt and concrete plants' baghouses are being upgraded to BACT by court authority (the Class Action Lawsuit, San Diego Superior Court Case No. 37-2020-00032965-CU-MC-CTL). The information supplied to the Court for this settlement stated, "f. There are only two baghouses on the site, the asphalt plant baghouse and the concrete plant baghouse," expressly ignoring the baghouses on the aggregate rock crusher plant.

June, 2024: Particulate emissions are seen coming from the concrete batch plant. A court order (not the APCD) is requiring a Best Available Control Technology (BACT) upgrade by the end of 2026.

FINDINGS for 'BACT':

Whereas: Facility operations generate emissions, noise, dust, and vibration with documented impacts, as evidenced by:

- **Required public notification of health risks,** under the APCD's Canyon Rock HRA (2013).

• **18 Notices of Violations issued by the APCD, 2018 – 2023**; many involving permitted equipment not being in good working order; many initiated by complaints from the public. (Records available through *http://www.sdapcd.org/content/sdapcd/about/public-records-request.html)*

• **990 complaints received by the APCD, 2018 through June 2025, 412 resulting in APCD actions.** *Complaint-Report.xlsx at https://www.sdapcd.org/content/sdapcd/compliance/Complaint-Info-Dataset.html*

• **Complaint clustering confirmed via San Diego County GIS dashboard.** *(https://gis-portal.sandiegocounty.gov/arcgis/apps/dashboards/f1f548c93c1b44eeb289b4daa0bec5df)*

Whereas: The APCD can only require BACT under certain circumstances, such as, if equipment is new or is being modified or if its emissions exceed specified federal or state limits. (Clean Air Act § 110(a); State Implementation Plan (SIP), and, for example, the APCD cannot require BACT solely because it would improve air quality. (SDAPCD Rule 20.1(c)(12) and 20.2(d)(2)) The City, however, has more flexibility under SDMC § 126.0301.

Whereas: The City, under *San Diego Municipal Code 126.0301,* is both authorized and obligated to fully protect the public health, safety, and welfare of the community and can require a BACT upgrade if, in its discretion, under SDMC 126.0301, it determines such an upgrade is necessary to fully protect the community.

Whereas: Reducing the impacts associated with quarry operations is in keeping with:

• The *California Constitution, Article 1, section 1,* which states that all people have the inalienable rights of possessing and protecting property and seeking and obtaining safety.

• *Condition 24 of CUP 82-0611*, which mandates that all operations must be conducted in a safe manner.

• *The San Diego General Plan*, which maintains that sand and gravel should be produced with minimal harm and disturbance to adjacent property and communities. *(SDGP, CE-K.3)*

• *The Navajo Community Plan* which states that nuisances should be minimized through the control of noise, pollution, and vibration and glare and the screening of unaesthetic land uses. *(Navajo Community Plan 2014: Community Environment, Proposals)*

• *City Council Resolution R-258660, 06/14/1983*, which states that the proposed use as conditioned would not adversely affect the neighborhood, the General Plan nor the Community plans and would not be detrimental to the health, safety and general welfare of persons living or working in the area.

Whereas: Documented evidence that the aggregate rock crusher contributes to air impacts around the facility can be found in the APCD *Inspector's narrative Complaint Insp_APCD2022-CMP-0052_01.24.22_ Redacted.pdf, available through APCD Public records request.* (*See image, right side of page*)

Aggregate Rock Crusher Complaint Investigation, Jan 24, 2022

The dust cloud surrounding Superior Ready Mix can be seen in the distance from Mission Gorge Rd. The aggregate rock crusher had a malfunctioning baghouse; stockpiles and multiple transfer points in the screens and conveyers had fugitive emissions; a water spray was clogged; the operator had not performed required inspections; employees lacked proper training.

(Complaint Insp_APCD2022-CMP-0052_01.24.22_Redacted.pdf)

Whereas: An APCD analysis shows that crusher emissions could be reduced by using Best Available Control Technology, specifically by installing insertable fabric filters on crushers of the aggregate rock plant. *(Camqui Nguyen, APCD documents: APP003715_Crusher BACT Analysis.xlsx; available through APCD Public records request)*

Whereas, the aggregate rock crusher, which is considered part of the mining process, is the facility's second-largest source of dust and fine particulate emissions, following the actual blasting itself. *(SWPPP WDID No.: 9 37I005157, part 6.3, Superior Ready Mix, 2024)*

Whereas, the aggregate plant is a major contributor to particulate-related health risks at the facility**.** *Source: Canyon Rock Revised HRA (2017), approved by SDAPCD in 2022, based on 2017 emissions data. Available through APCD Public records request.*

Whereas: The APCD has already determined that:
ENGINEERING EVALUATION, APCD 2014-APP-033715, an application submitted to the APCD by SRM to increase the production limits on the aggregate rock crusher states:

> *"On September 9, 2013 Superior Ready Mix submitted an application to modify existing permit to add additional equipment and increase annual production to 1.6 million tons per year. The toxic emissions at the proposed production limit did not meet Rule 1200 standards. As a result, Superior Ready Mix has submitted this amendment application, APCD2014-APP-003715, to lower its proposed annual production to 1,000,000 tons per year while maintaining the original proposed equipment additions. Lowering annual production allows Superior Ready Mix to meet Rule 1200 standards and cost-out of BACT controls the District has previously deemed cost effective from application APP-003034." [Emphasis added] (Records concerning APCD2014-APP-003715 are available through APCD Public records request.)*

Whereas, The aggregate rock crusher has been in service for over 50 years without a full BACT upgrade despite increased production capacity from 200 to 900 tons/hour**.**

Whereas: The City, under *San Diego Municipal Code 126.0301,* is both authorized and obligated to fully protect the public health, safety, and welfare of the community.

***Therefore*:** (1) The City, as authorized by *SDMC section 126.0301* shall require a BACT upgrade to the aggregate rock crusher as provided in this condition. (2) All permitted equipment shall be routinely evaluated for the need to upgrade to BACT, as provided in this condition. (3) As is standard practice, the operator shall comply with all APCD requirements when requesting or implementing equipment upgrades.

IMPACT for 'BACT': The initial expense to bring the aggregate rock crusher plant up to full BACT will likely be substantial. However, operating a business carries inherent expenses, and protecting public health is a necessary and non-negotiable cost of doing business—particularly in an area not rightfully zoned for extractive and heavy industrial operations. For the surrounding community, this upgrade is essential to reduce harmful emissions from facility equipment.

TIMING for 'BACT': To proceed as scheduled in the condition.

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THE PREAMBLE

AS THE PREAMBLE CURRENTLY APPEARS IN THE CUP:
This conditional use permit is granted by the council of The City of San Diego to MISSION GORGE DEVELOPMENT CO., a California corporation, "owner," and V.R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee," for the purposes and under the terms and conditions as set out herein pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

RECOMMENDED CHANGES TO THE PREAMBLE

Add the purpose of the CUP to the Preamble, to read as follows:

This conditional use permit is granted by the Council of The City of San Diego to _____ , "owner," and _____ , "Permittee," for the purposes *of allowing a natural resource facility to operate within the area described below, the operation of which would provide the greater San Diego community with valuable commodities produced from the sand, gravel and rock deposits found within the facility's borders, while fully protecting the public health, safety, and welfare of the community from any adverse effects of the proposed use,* and under the terms and conditions as set out herein, pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

(Text in italics, above, is the proposed additional text)

Reviewers' Note: Pease update reference to outdated San Diego Municipal Code § 101.0506; "pursuant to the authority contained in San Diego Municipal Code § 126.0301 et seq." might be more appropriate.

FINDINGS for Suggested Preamble:

Whereas: The Preamble (first paragraph) for this CUP states, "for the purposes and under the terms and conditions as set out herein." However, despite the statement that the purposes of the CUP are set out within the CUP, the CUP does NOT state its primary purposes anywhere in the CUP,

And whereas: The general purposes of CUP procedures can be found in OTHER documents: SDMC 126.0301 states, "the intent is that each use be developed so as to fully protect the public health, safety, and welfare of the community", and the specific purposes of CUP 82-0611 (formerly 238-PC) can be found in Resolution No. 238-PC (12-22-1969), "The proposed use at the particular location is necessary or desirable to provide a facility which will contribute to the general well-being of the community", and also in Resolution R-258660, "the natural resource facility . . . contains rock, sand and gravel deposits that are necessary and desirable for the construction needs of the San Diego region". Additionally, the value to society of the commodities produced by the facility is affirmed in The City's General Plan: "Produce sand and gravel with minimal harm and disturbance to adjacent property and communities" (CE-K), and the functions of the CUP are listed in the Navajo Community Plan, "The CUP regulates the mining, processing, storage and sale of natural resource material." (Pg 22). However, it is not reasonable to expect the reader of the CUP to look up 5 different codes and/or documents to try to figure out the purposes of the CUP.

And whereas: The clearly stated purpose is an important part of the CUP: it provides clarity about the intent of the CUP; it provides a legal justification for the CUP, showing that it advances a public purpose, relates to local matters, and serves a lawful purpose; it provides context that can help resolve ambiguities that may arise; it aids in understanding the relationship between industrial and residential areas as they are presented in The City of San Diego's General Plan and the Navajo Community Plan, allowing for the production of sand and gravel with minimal harm and disturbance to adjacent property and communities. (CE-K.3.); it lets the public know they have rights under the CUP, in keeping with CA Constitution Section 1 and 3(a); and it helps to make the CUP a more understandable, clear document, as recommended by the San Diego General Plan (LU-C).

And whereas: Ordnances intentionally follow a similar structure: The title, followed by the background and purpose, followed by the body of the ordinance. The CUP should follow the same structure as other San Diego ordinances,

Therefore: **In keeping with the above-listed codes, policies and reasons, the purposes of the CUP should be inserted in the first paragraph of the CUP, immediately after the existing words "for the purposes", and**

Therefore: **Reference to the outdated San Diego Municipal Code § 101.0506 should be replaced with current City code.**

IMPACT for Suggested Preamble: This suggested modification requires nothing more than changing the text in the preamble. Yet it has the potential to significantly increase the understanding of the CUP, especially by the general public. It clearly shows, at the beginning of the document, not buried in nuances somewhere deep inside the listed terms and conditions, that while there are certain privileges granted to the applicant, the rights of nearby residents are still protected. The purpose of the CUP speaks to the needs of society, the facility fulfilling those needs, and the nearby community. Unfortunately, the way the current CUP is worded, the viewer must research at least five other documents to find the stated purposes of the CUP. Clearly stating the purpose in the beginning of the document also discourages the misunderstanding and misrepresenting of the intent of the CUP.

TIMING for Suggested Preamble: This modification would be implemented with the approval of the amended CUP 82-0611.

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Condition 1 (PERMISSION TO OPERATE, SUBAREA BOUNDARIES, ETC.)

CONDITION 1 AS IT CURRENTLY APPEARS IN THE CUP:

1. Permission is hereby granted to Owner/Permittee to construct and operate a natural resource facility over approximately 250 acres of land identified as Subarea A and 170 acres of land identified in the Master Reclamation Plan and identified as Subarea 'B' located on the north side of Mission Gorge Road, between the extension of Tierrasanta Boulevard and Margerum Avenue, described as portions of Lots 53, 61, 62, 63 and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634, in the A-1-10, R-1-40 and M-1B zones. All conditions as set forth in the conditional use permit shall apply to Subarea A. Conditions 4 through 6, 11 through 15, 20a and 20b, 22, 25 and 28a and 28b, only, shall apply to Subarea B.

RECOMMENDED CHANGES FOR CONDITION 1 (PERMISSION TO OPERATE, SUBAREA BOUNDARIES, ETC.):

Do not attempt to separate the application of CUP conditions as all the conditions work as one instrument.

Apply the following current CUP conditions to Subarea 'B': 2, 3, 7, 8, 17, 19, 21, 22, 24, 26, 27, 31, 33, 34, 35, 36, and 37 as well as newly proposed conditions.

Update/Amend parcel information.

Update acreage to reflect parcels returned to MTRP.

Clarify the word description of subarea "B."

Add a detailed map that clearly shows parcel and subarea boundaries.

FINDINGS for Permission to Operate, Subarea Boundaries, etc.: The second CUP (ca. 1983) identified and included only the rock quarry and processing facility areas; these areas would later be called Subarea 'A'. Resolution R-276514 Sep 1990 expanded the CUP area acreage and created the subareas, with 170 acres of Subarea 'B' (essentially everything west of the Tierrasanta Blvd. extension, excluding the light industrial area at the end of Princess View Rd.), and the original CUP acreage of 250 Acres in Subarea 'A'. When the 1990 CUP was amended there were conditions intended to apply only to subarea 'B'. These conditions were applied in a confusing and seemingly incomplete way.

For instance, condition 2 which defines the 'Project' fails to identify any areas in subarea 'B' as belonging to the project. Similarly, the CUP expiration date in condition 3 obviously does apply to subarea 'B' but

by condition 1, as written, does not. There are many other examples, but the most obvious is condition 37 which plainly applies to subarea 'B' and is not listed in condition 1.

No reason for the attempt to separate the application of CUP conditions is apparent. One plausible reason is the possible 'vesting' of certain mining rights in subarea 'B,' since this area was mined prior to the 1975 Surface Mining and Reclamation Act (SMARA) being passed. The 12 December1969, CUP (238-PC) did not include subarea 'B' in the project area, but the permitted mining operation was under a CUP when the SMARA was passed. The committee did attempt to gain information from The City regarding vested interests in subarea 'B' that would obviate the need for immediate reclamation, or any reclamation beyond that listed in the 1982 reclamation plan, or make clear the reasons for limiting conditions applicable to subarea 'B', as yet no response from The City has been given on this question.

As some CUP land has been acquired by the City and incorporated into Mission Trails Regional Park (MTRP), ca. 1991, some minor updates and clarifying language were felt to be necessary. It was also felt adding an accurate map would make the description more readily understood.

IMPACT for Permission to Operate, Subarea Boundaries, etc.: Adding an accurate map would make the description more readily understood.

TIMING for Permission to Operate, Subarea Boundaries, etc.: To begin Immediately.

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Condition 2 (PROJECT DEFINITION)

CONDITION 2 AS IT CURRENTLY APPEARS IN THE CUP:

2. The natural resource facility shall include, and the term "project" as used in this conditional use permit shall mean, the total of the following facilities:

a. Extraction, processing and storage of sand, gravel, rock, clay, decomposed granite and soils.

b. Manufacture, production, processing and storage of asphaltic concrete, Portland cement, concrete products and clay products.

c. Sale and distribution by truck or other conveyance of sand, gravel, rock, clay, decomposed granite and soils, and Portland cement, asphaltic concrete, concrete and clay products.

d. Off-street parking.

e. All structures, machinery, equipment and facilities incidental to the uses described in this paragraph.

f. A master reclamation plan encompassing 420 acres of land to be implemented through the phased rehabilitation of excavated area.

g. Incidental accessory uses as may be determined and approved by the Planning Director.

h. Storage and use of explosives as per California Industrial Standards

RECOMMENDED CHANGES FOR CONDITION 2 (PROJECT DEFINITION):

Change paragraph "h" to read:

"Storage and use of explosives as per all Federal, California, and local industrial and mining standards."

Show a map of specific mining activities, and list them on an approved reclamation plan to be included in condition 2 'project' descriptions for subarea 'B.'

Include AKA names for the mine as it appears in various official documents from governing agencies (i.e.): Canyon Rock Mine, Mission Gorge Plant, Superior Ready Mix, and commonly used ID numbers (state and federal) to assist the public in finding Freedom of Information Act (FOIA) information.

Resolve alleged encroachments into the river floodway by the U.S. Navy and the Applicant on Federal and CUP lands/waters so disputes can be resolved, easements may be granted, and interim reclamation can be started in preparation for final reclamation and development.

FINDINGS for Project Definition: Paragraph "h" wording, titles within the State of California regulations have changed since 1983 and The State of California Department of Industrial Relations seems to be the correct title for one of the State's agencies that would regulate the use of explosives. This change would have no significant impact on operations and would start immediately as the amended CUP was adopted.

As noted above, condition two fails to include subarea 'B' as belonging to the 'Project.' This has created uncertainty in this area as to what is 'project' related. As a result, the applicant is claiming deferral of any reclamation activity in subarea 'B,' until final reclamation, due to its uses for 'active mining.' Activities the applicant has claimed are, truck maintenance, truck parking, administration facilities, a compressed natural gas (CNG) refueling station, mining ponds from which water is extracted for washing processed material, and a frontage road along the river also claimed to be used for mining operations. After additional review of reclamation plan CUP boundaries, the truck maintenance, administration facilities, and CNG facility the applicant claims are used for mining operations are not within the CUP boundary – therefore these activities may not be used as justification for deferral of reclamation in subarea 'B'. Only one of these activities (washing material) is a legitimate mining activity listed in SMARA regulations and would not preclude immediate reclamation activities in other parts of subarea 'B.'

While some of the other uses claimed by the applicant could be considered legitimate mining activities, none are identified on any reclamation plan for subarea 'B,' and none of these uses are specifically identified as mining activities in CA SMARA regulations 2729 and 2735. Access and haul roads, land used for processing and stockpiling materials, and areas used for equipment storage should be incorporated within the reclamation plan boundaries on maps and should be figured into the total amount of disturbed acreage. Also, the specific description of when and how these areas will be reclaimed should be described in the text of the reclamation plan. Mining equipment that is no longer serviceable or in use is considered mine waste and must also be removed. As none of these activities are shown in subarea 'B' the applicants claim for deferral of reclamation is unsupported. If they are found to be legitimate mining activities, the Financial Assurance Calculation Estimate (FACE) calculations for interim and final reclamation will also be grossly understated. All of these points emphasize the need for an updated reclamation plan with consistently submitted 5-yr. specific plans.
The applicant explained to the committee that prior to the 1983 CUP and the 1982 reclamation plan alleged encroachments by both the applicant's predecessors and the Navy into the river floodway have been unresolved. The Navy extended its land by allegedly filling the river, predecessors of the applicant allegedly mining materials from the river and reducing Navy lands. These claims, by way of plausible denial for responsibility, may cause complications for obtaining easements necessary for accomplishment of the San Diego Master River Park Plan (SDMRPP).

IMPACT for Project Definition: If access and haul roads, land used for processing and stockpiling materials, and areas used for equipment storage are found to be legitimate mining activities, the Financial Assurance Calculation Estimate (FACE) calculations for interim and final reclamation will also be grossly understated.

TIMING for Project Definition: Immediate reclamation activities impacting river habitats, removal of invasive species, removal of river constrictions, and revival of flows vital to river health, if not an acceptable outcome for final reclamation altogether, and must be resolved.

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Condition 4 (RECURRING CUP REVIEW)

CONDITION 4 AS IT CURRENTLY APPEARS IN THE CUP:
This permit shall be subject to review of all conditions by the Planning Director of The City of San Diego on a yearly basis. This review shall be brought before the Planning Commission for consent. The review before the Planning Commission shall be properly noticed.

RECOMMENDED CHANGES FOR CONDITION 4 (RECURRING CUP REVIEW):
This permit shall be subject to review of all conditions by the Planning Director of The City of San Diego, on an annual basis, which shall begin on the anniversary of the amended CUP. It is the responsibility of the permittee to initiate the review no later than the anniversary date every year. Input for the review shall be requested from all regulatory agencies, including the APCD, the Stormwater Department, Code Enforcement, MSHA, and also the recognized community planning groups of the Navajo and Tierrasanta communities, all of which shall be notified of the review. A summary review of compliance with all CUP conditions shall be included in the review. The City shall, if requested by either of the planning groups, forward all review information for CUP 82-0611 to that planning group. This review shall be brought before the Planning Commission for consent. The review before the Planning Commission shall be properly noticed.

The City's annual report to the Planning Commission is to include:

1. Status of Applicant compliance with CUP conditions.
2. Summary review of community complaints.
3. Notices of violation, enforcement actions, and resolutions by other governing agencies and The City.
4. Status of achieving the objectives of annual phases of each 5-yr. reclamation plan.

Community planning groups bordering the CUP boundaries shall be allowed to review information given to the Planning Dept., prior to the Planning Dept's report to the Planning Commission.
The cleanup program referenced in the September 1997 Planning Commissions document shall be reviewed to determine its elements and past compliance.

FINDINGS for Recurring CUP Review:

Whereas: It is not inherently obvious from the wording of Condition #4 that the review is intended to be initiated by the Permittee/Applicant. Adding appropriate wording to the condition would clarify the matter,

And whereas: ALL conditions of the CUP are to be reviewed, but The City does not necessarily know all the information regarding the applicant/facility that is known to other agencies or groups. However, The City can request this information to ensure that a thorough review is done.

And whereas: The rules, regulations and policies that support these changes are as follows:

- The California Public Records Act (PRA) provides for a right of access to public records and other information.
- The Brown Act requires transparency in government official business. This transparency promotes public trust, ensures accountability, facilitates participation, and very importantly, improves decision making.
- City's General Plan, section CE-K.2, encourages producing sand and gravel with minimal harm and disturbance to adjacent property and communities. Having a thorough, complete review is an important step in accomplishing this objective.
- ARTICLE I DECLARATION OF RIGHTS, California Constitution provides that everyone has the right to know the laws that govern them.

And whereas: Council resolution R-276514, September 11, 1990, requires the Planning department perform an annual review and report to the Planning Commission. This requirement is stated in CUP condition 4. The 1969 CUP condition 13 also required a 5-yr. conditions review. There appears to be confusion regarding governing requirements of CUP conditions 4 and 5. Condition 4 of the 1990 CUP is a city council requirement. Condition 5 of the 1983 and 1990 CUP require phased 5-year reclamation plan reviews, this is a federal 1975 SMARA requirement. State SMARA regulations require an annual inspection of the annual phases of 5-yr. reclamation plans – an annual review of the phased 5-yr. reclamation plan mentioned in various CUP conditions*. Two annual reviews with two separate purposes required by two separate CUP conditions.* The 1983 CUP condition 4 required a 5-year conditions review (either as a continuation of practice from the 1969 CUP condition #13, or to align with the 5-yr. reviews required by condition 5 and the 1975 SMARA) this became an annual conditions review in condition 4 of the 1990 CUP (again ostensibly to align with the annual SMARA review required by state law) in which the Planning Director would make a publicly noticed report to the Planning Commission. It wasn't until September 1981 that the California Mining and Geology Board certified The City of SD ordinance (12513 N.S.) imposing surface mining regulations as being consistent with the 1975 SMARA and The City of SD assumed the role as the SMARA lead agency from the state. In 1983 SMARA requirements for 5-year reclamation plans were still relatively new, not yet fully required in all circumstances, and certainly not as fully understood and developed as they were in 1990 or the present. That there was a failure to initiate The City annual conditions review, and failure to submit any 5-yr. reclamation plans appear to be a causal factor in remaining confusion about the governing requirements of these two conditions.

And whereas: The applicant explained, SRM and J.J.B. Land Co. began operating the mine in the early 1990's and took full ownership from V.R. Dennis later that decade (circa 1998). The only record of an annual conditions review (available to the Quarry Committee) as required by condition 4 of the 1990 CUP (current), is from 1997. At that time, the report given to the Planning Commission incorrectly stated that a conditions review was required every five years. In that review, The City manager conditioned a positive recommendation to the Planning Commission for continuance of the CUP on "diligent pursuit of the cleanup program." In the minutes of that meeting a continuance requested by the Navajo CPG was approved (perhaps to allow time for the cleanup program to be completed), and later in the same meeting a motion to reconsider that approval was passed without explanation. Until the attachments of the docket items for this review can be found it will be unknown whether or not the applicant actually complied with the conditions of the cleanup program required for continuance of the CUP in the 1997 review. Moreover, if cleanup was not completed it likely remains to be done.

Therefore:

1) The party who is to initiate the review should be named in condition #4; and

2) The City should request information for the review from other agencies/groups that have knowledge of the applicant's performance and operations so it can make an accurate and complete review.

IMPACT for Recurring CUP Review: Naming the party to originate the review would possibly speed up the process, or, at any rate, not delay it; and requesting information from other agencies/groups should be done whether or not it is mentioned in the condition, but it is mentioned for the sake of clarity.

TIMING for Recurring CUP Review: The next review would take place one year after this CUP is adopted.

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Condition 5 (REVIEW OF FIVE-YEAR PHASED RECLAMATION PLANS)

CONDITION 5 AS IT CURRENTLY APPEARS IN THE CUP:
5. A 420-acre master reclamation plan accompanies this conditional use permit. Precise reclamation plans shall be submitted to The City Planning Department and Development and Environmental Planning Division for review prior to final reclamation of subareas. The submittal of the phased plans should correspond with the five-year period outlined in paragraphs 4 and 28.d.

RECOMMENDED CHANGES FOR CONDITION 5 (REVIEW OF FIVE-YEAR PHASED RECLAMATION PLANS):
The Canyon Rock mine is not exempt from SDMC §141.1006, any "Vested Rights" retained within subarea 'B' under SDMC §141.1006(b) must be determined by the lead agency prior to any review of reclamation plan amendments or application of amendments to CUP conditions affecting subarea 'B'.

Operations at the Canyon Rock Mine have been prejudicial to SMARA regulation Section 3502 covering Reclamation Plans and its objectives in Public Resources Code Section 2712(a)-(c); and likewise, appear inconsistent with numerous parts of SDMC §141.1006 and relevant permitting conditions of the CUP and should require a thorough environmental investigation under CEQA to definitively determine mined lands within the reclamation/CUP boundaries.

Expanded mining operations on the CUP site may constitute a substantial deviation under the tests in SMARA Regulations 3502(d), triggering the need for an amended reclamation plan, incorporating reclamation standards as described in Chapter 9 (commencing with Section 2710) and Title 14 of the California code of Regulations commencing with Section 3700.

Give public notice and invite formal reviews by Navajo and Tierrasanta CPG's for an appropriate length comment period, of phased reclamation plan submissions, prior to Planning Commission review and approval of 5-yr. phased reclamation plans.

Require Planning Commission approval for 5-yr. phased reclamation plans.

Require Applicant to submit an updated Storm Water Pollution Prevention Plan (SWPPP) to the City, whenever there are material changes.

FINDINGS for Review of Five-Year Phased Reclamation Plans:

The applicant has made claims that they are not required to submit 5-yr. reclamation plans or begin reclamation due to the kind of mine (physical characteristics) they are operating or indeed be held to current legal requirements in either subarea.

No parcels, or portions of parcels, of the Canyon Rock mine total acreage are exempt from the requirement for a reclamation plan under SDMC §141.1006(b)(4) and council resolution 276514, of September 11, 1990.

The approved 1982 base reclamation plan (note 11), Council Resolution 258660, the December 1969 (condition 8), June 1983 (conditions 2(f), 4, 5, 28, 28.(d)), and current 1990 CUP (conditions 5, 28, and 28(d)), specify phased reclamation plans (for both subareas - 1990 CUP) are to be conducted prior to final reclamation and require specific 5-year plans to be submitted/completed at each 5-year review of the CUP. Council Resolution 258660 states, "As the property is reclaimed and the precise reclamation plan is implemented, the San Diego River Channel will be preserved for open space, trails and equestrian paths installed, and landscaping planted." All indicating the intent for an ongoing reclamation process.

No annual Development Services Director reviews of the CUP conditions, or the required 'noticed' presentation of the results of those reviews, to the Planning Commission were shared with the

committee or Navajo CPG to reveal any mitigating circumstances that would preclude or mitigate required reclamation activities.

CUP Conditions and the Navajo Community Plan require the Mission Gorge Road industrial development (CUP subareas A & B) to be properly screened with landscaping and other suitable means to be made presentable to the community and motorists on Mission Gorge Road because of its importance as an entry to the community, the Old Mission, and Mission Trails Regional Park. Timely submission of previous 5-year specific reclamation plans would have ensured associated submission of landscaping plans met all community goals and lawful requirements of this complex area, on an ongoing basis to preserve the unique neighborhoods and sensitive ecosystems this property encompasses, borders, and affects. And by now (30 years later) there would be mature trees lining Mission Gorge Rd. and the San Diego River which appears to have been the intent of the Navajo community plan and Council resolutions.

The landscape concept plan recently submitted by the applicant as part of this CUP review is missing required elements - such as necessary irrigation, and use of approved plants for example. The plant species listed in the concept plan do not comply with the Navajo Community Plan, Table 4: Mission Gorge Road Industrial CPIOZ Street Tree Plan; And it is unclear whether the applicant will give due attention to additional landscape requirements of and along the San Diego River such as:

1. Community Plan Implementation Overlay Zone (CPIOZ) –Type B.
2. Potential Multi-Habitat Planning Areas (MHPA) as identified by The City of San Diego MSCP Subarea Plan.
3. Wetland buffers in accordance with Land Development Code Section 143.0141.
4. Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1 of the Land Development Code.
5. And CUP conditions (11) through (15).

Moreover, as SDMC §142.0402, Table 142-04A, numbers (5), (7), and (8) appear germane to the applicant's Landscape Plan. The plan submitted does not make clear how the applicant will comply with irrigation, vehicular use area plantings, street tree plantings, and erosion controls of §142.0403, §142.0408 (including §142.0406, and §142.0407), as well as §142.0409, §142.0410 (b), §142.0411(a) through (c). Nor does it show how they will meet adequate water conservation requirements or brush management of §142.0412, and §142.0413 - particularly of the areas south of the SD river, adjacent to housing along Mission Vista Dr. (brush management).

The Applicant has not, in the eyes of the community members providing feedback to the Committee, satisfactorily maintained plantings for screening of subareas as required by CUP conditions 30 and 37. No modifications to the initial base reclamation plan or any specific reclamation plans were submitted, and no documented reclamation of previously mined lands in subarea 'B', which has not been mined for decades, has been submitted or performed in over 30 years. This seems inconsistent with the intent of CA SMARA Regulations, Section 2772 (c)(6) for reclamation plans which reads,

> A description of and a plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

Moreover, non-submission of 5-year specific reclamation plans is in contrast to the provisions of SDMC §141.1006, Public Resources Code section 2773.1 as a condition of approval of the Conditional Use Permit and the reclamation plan which states:

> The surface mining operator shall submit financial assurances to ensure compliance with the surface mining operation's reclamation plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, annual adjustments for disturbance to new lands and those anticipated for the upcoming calendar year, inflation and other measures, as necessary.

On-site conditions accumulated over the past 30 years have possibly led to the financial assurances on record being substantially inadequate to affect full compliance with the reclamation plan on record, apart from any additional needs recorded through amendments to the reclamation plan necessary for continued compliance by the applicant with respect to enforcement of even basic, existing, reclamation regulations.

Expanded CANYON ROCK MINE, Operations and the reclamation plan:

Since 1982 the material output of the mine and associated production facilities have greatly outpaced the community's anticipated levels of production and include substantial and comprehensive expansions of the overall operation and equipment. Production has more than tripled since the early 80's.

Per the 1969 and 1983 CUP the mining operator was allowed to operate one borrow pit. State regulations for moving that pit, or adding pits, require approval by The City Engineer. The operator has since used new surface area (allegedly evidenced in historical overhead photos included in the CUP application) to develop multiple borrow pits over the intervening period which were/are not included on an approved reclamation plan, and no records are provided to show the operator met the conditions stipulated in SMARA Regulations §3502 (h) (1) & (2) or that approval by The City Engineer was given for their development.

Similarly, there is question whether required grading permits for disturbed earth within 300 ft of the centerline of the river, since 1983, were sought and approved, and whether riparian plantings were required, and monitored in this zone as required by that CUP and subsequent CUP revisions. No evidence to support that planting and environmental monitoring was performed has been submitted.

> ** Permits referred to in this paragraph are entirely separate from the grading permit application (PRJ-140030, submitted September 2007) and MHPA monitoring required by legal judgement (in Case# GIC 827426) as a result of the 2002 landslide in subarea 'A'. Also as was noted in public documents of that time, the judgement for wetland mitigations which were performed as a result of the judgment in that case, categorically does not count as reclamation.

In 1994 an application to construct a new asphalt plant was submitted, and start-up authorization was given in by the APCD 1996.

In October 1996 the U.S. Army Corps of Engineers (USACE) responded to a 1994 SRM letter requesting permits to operate settlement ponds adjacent to the San Diego river, USACE stated (after a site visit) that the ponds SRM wished to operate were not subject to USACE jurisdiction of Section 404 of the Clean Water Act – no records (location, description, or map) are provided for approval from The City Engineer or State Water Quality Control Board (SWQCB) for development or operation of these ponds that are proximate to the river and potentially interacting with groundwater and which the applicant states they are currently using for mining.

In June 2002, a rockslide (700,000 tons) on the north side of San Diego River, resulting from quarry operations, fell into the San Diego River floodplain and constricted the river channel, thereby affecting river hydraulics; There were subsequent rock slides as unstable as rock continued to fall into river. River flows during a storm event could have been magnified by these river constrictions, potentially jeopardizing the integrity of the 42-inch diameter sewer line in the river bottom. Sewerage flows of

approximately 19 million gallons per day run through this line and in the event of a sewer spill, could have caused a significant amount of sewage to reach open waters, posing a threat to public health and safety. An emergency project approval and CEQA exemption had to be granted to clear the slide and river floodplain.

The 2007, 2010, and 2019 SMARA reviews performed by The City have increasingly contained comments concerning FACE calculations being sufficient to perform reclamation on the site, as well as calling for updates to the reclamation plan. Yet the applicant has not made any such submissions. Likewise, I have deep concern that current FACE calculations are dramatically insufficient due to the applicant's 30-year failure to initiate any reclamation efforts, or complete submissions of 5-year specific reclamation plans outlining specific reclamation activities which must be vetted and approved through the lead agency in order to properly calculate the FACE. Effectively creating a 30-year backlog of reclamation needs that are underfunded, with current financial reserves perhaps only large enough to remove mine waste and processing equipment.

In 2016 the USACE responded to a February, 2010 request, and subsequent October, 2011 appeal, by SRM of a previous jurisdictional review, making a preliminary jurisdictional determination of four federal waters, as well as identifying a non-jurisdictional wetland, a 10.5 acre mining pond, and de-silt basins, all located within Canyon Rock reclamation area boundaries – obviously, none of these are identified on the approved 1982 base reclamation plan and are likewise not in the operator's current July, 2015 SWPPP (due to chronology).

The most recent SMARA Inspection (NOCI-1, Dated 14 Dec 2023), performed by The City of SD, in section (IX) indicates a review of the Reclamation Plan, Financial Assurances, etc., is not pending before the lead agency (The City of SD) and perhaps it should have been since the CUP application was submitted and accepted in 2022. The accompanying MRRC-1 for that inspection, Section (V) indicates no federal waters/land on any portion of the reclamation area. Which may be an error since the USACE did make a preliminary determination to that effect in 2016. Section (VII, A, 2) also indicates there is no limit on production amounts when the APCD does have a mitigating limit on production amounts in order to comply with equipment limitations in use on the site, so perhaps this is incorrect. Finally, Section (VII, B through I, and M) indicates "No Specific Reclamation Plan or CUP requirements," which is not true because the CUP and CR 258660 both require 5-yr. specific reclamation plans with specific, annual objectives, and the issue before us is that the applicant has not updated their plan as required for the last 6 iterations of specific 5-year reclamation plan reviews with an enforcement order being issued to bring the operator into compliance.

None of this is intended to reflect on The City of SD, but rather the previous lack of attention given to applicable reviews, procedures and inspections by the applicant.

All of these circumstances are more than lamentable occurrences in the past, they highlight the need for a thorough environmental investigation under CEQA, because the record regarding disturbed lands from the mining operation has been poorly recorded, monitored and executed. It is unclear what was disturbed, what was approved, and under what conditions.

Therefore, as there were:

1. No submissions of specific 5-year reclamation plans over 6 iterations.
2. Lack of annual condition reviews by the Planning Department and Planning Commission.
3. Landslide event which blocked the San Diego River caused by mining activity and requiring emergency project approvals and CEQA exemptions to correct.
4. No records provided (to this committee) of submissions for approval and development of additional borrowing pits, mining and settlement ponds and associated grading permits within 300' of the river center.

5. Non-inclusion in the CUP renewal application of USACE preliminary jurisdictional determination of federal waters and wetlands in the reclamation area.
6. Failure to maintain plantings for screening of subareas and incomplete submission of updated landscape plans.
7. Combined with substantial expansion of equipment, operations, and commercial output 3 times the originally indicated minimum of 200K tons/year.

Operations at the Canyon Rock Mine have been prejudicial to SMARA regulation Section 3502 covering Reclamation Plans and its objectives in Public Resources Code Section 2712(a)-(c); and likewise, appear inconsistent with numerous parts of SDMC §141.1006 and relevant permitting conditions of the CUP and should require a thorough environmental investigation under CEQA to definitively determine mined lands within the reclamation/CUP boundaries; and

It appears these circumstances may constitute a substantial deviation under the tests in SMARA Regulations 3502(d), triggering the need for an amended reclamation plan, incorporating reclamation standards as described in Chapter 9 (commencing with Section 2710) and Title 14 of the California code of Regulations commencing with Section 3700.

IMPACT for Review of Five-Year Phased Reclamation Plans: Performance of reclamation conditions of this CUP will contribute greatly to the appearance and health of the Navajo Community, the health of the SD River and its associated ESL's and MHPA's. There will be costs associated with performance of reclamation conditions that were not being performed as required in prior years. Diligent care, efficient planning, and meticulous attention to processes should ensure that these costs will not need to be repeated again. After initial reclamation efforts and when new plants have been established, the cost should significantly decrease. Final reclamation costs will potentially be less as interim reclamation will have resulted in the need for less reclamation upon closure of the facility. No impact to city staff is anticipated as annual mine inspections, annual Planning Department and Planning Commission reviews, and 5-year reclamation reviews are already required by state laws, prior council resolutions and established municipal codes.

TIMING for Review of Five-Year Phased Reclamation Plans: Submission of a 5-year Specific Reclamation Plan, including a phased management plan supporting annual reclamation milestones, including environmental monitoring, shall be part of the Planning Commission review and, upon approval of this CUP amendment, shall begin immediately.

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Condition 6 (ENVIRONMENTAL REVIEW OF DISTURBED LANDS)

CONDITION 6 AS IT CURRENTLY APPEARS IN THE CUP:
6. Precise reclamation plans shall also be subject to environmental review. If deemed necessary, geotechnical studies shall be conducted in order to determine significance of potential impacts. Mitigation measures, if required, shall be implemented at the precise plan level.

RECOMMENDED CHANGES FOR CONDITION 6 (ENVIRONMENTAL REVIEW OF DISTURBED LANDS):
Prepare a full CEQA Environmental Impact Report (EIR) to assess, determine and incorporate into a new reclamation map the total amount of disturbed acreage on CUP land.

Amend reclamation maps to show federal waters, wetlands, Multi-Habitat Planning Areas (MHPA)~~'s~~ and monitoring, mining ponds, and Environmentally Sensitive Land (E SL) on CUP lands, as well as locations where the river has been confined by dikes or berms and crossed with bridges. Include access and haul roads, lands used for processing and stockpiling materials, all areas used for other approved mining activities, equipment storage, and parking.

Incorporate the updated total amount of disturbed acreage into the Financial Assurance Cost Estimating (FACE).

Consider inclusion of other regulating agencies' recommendations in CUP annual or five-year reviews – such as, Air Pollution Control District (APCD), State Water Quality Control Board (SWQCB), State Department of Fish and Wildlife (SDFW), and others.

FINDINGS for Environmental Review of Disturbed Lands: Preliminary jurisdictional determination of federal waters, wetlands, MHPA's, and ESL's are not indicated on the current reclamation plan and must be. Access and haul roads, lands used for processing and stockpiling materials, and areas used for equipment storage should be incorporated within the reclamation plan boundaries on maps and should be figured into the total amount of disturbed acreage. Also, the specific description of when and how these areas will be reclaimed should be described in the text of the reclamation plan. Mining equipment that is no longer serviceable or in use is considered mine waste and must also be removed.

TIMING Environmental Review of Disturbed Lands: To begin Immediately.

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Condition 8 (AGREEMENTS, EASEMENTS & RESERVATIONS)

CONDITION 8 AS IT CURRENTLY APPEARS IN THE CUP:

8. The following agreements, easements and reservations shall be granted to The City of San Diego within one year of the effective date of this permit or as otherwise approved by The City Engineer:

a. An agreement for right-of-way for the connection of Tierrasanta Boulevard with Mission Gorge Road to include sufficient areas for construction of bridge structures and slopes.

b. An easement for recreational purposes to provide public access - linkage for the Regional Trail System between Tierrasanta Boulevard right-of-way and the Mission Trails Regional Park.

c. Street reservation for the future widening of Mission Gorge Road adjacent to the property.

RECOMMENDED CHANGES FOR CONDITION 8 (AGREEMENTS, EASEMENTS & RESERVATIONS):

Replace any condition 8, (a) thru (c), that has been granted with the following:

". . . by The City Engineer:

xx) Easements north and south of the river, for recreational purposes and public access according to design guidelines of the San Diego Master River Park Plan, along the river corridor area as mapped by FEMA, and providing linkages to the other river park paths, regional trails systems, and the MTRP."

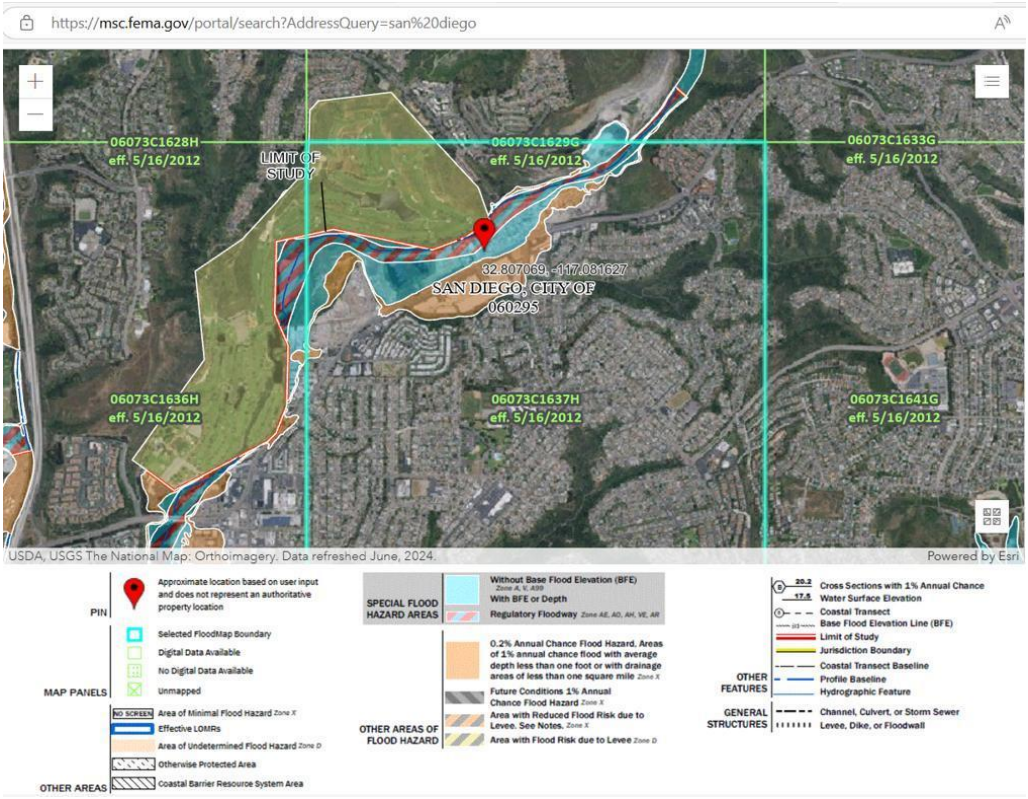
FINDINGS for Agreements, Easements & Reservations: Perhaps it is possible to remove current conditions (a) through (c) since these grants have already been made.

Easements for the purpose of obtaining land dedicated to the SDMRPP should be a contingent condition for approval of the CUP amendment. As addressed in the introduction to this document, one of the guiding principles for review of the CUP is to address the question of redevelopment when the CUP expires. Critically vital to the realization of the SD Master River Park plan is the setting aside of land for that purpose.

IMPACT for Agreements, Easements & Reservations: The City should engage with the U.S. Navy and the Applicant to resolve encroachment claims in the western parts of the river corridor contained or bordering CUP boundaries, so easements and final reclamation requirements can be effectively achieved (not abandoned during redevelopment,) and the Master River Park Plan can be realized through the lower and upper reaches of the SD River.

TIMING for Agreements, Easements & Reservations: To begin immediately.

Below is a snapshot of the SD river floodways within the CUP boundaries per FEMA map sections number 06073C1636H, 06073C1637H, and 06073C1629G, effective on 5/16/2012.


https://msc.fema.gov/portal/search?AddressQuery=san%20diego
06073C1628H
eff. 5/16/2012
LIMIT OF STUDY
06073C1629G
eff. 5/16/2012
06073C1633G
eff. 5/16/2012
32.807069, -117.081627
SAN DIEGO, CITY OF
060295
06073C1636H
eff. 5/16/2012
06073C1637H
eff. 5/16/2012
06073C1641G
eff. 5/16/2012
USDA, USGS The National Map: Orthoimagery. Data refreshed June, 2024.
Powered by Esri
PIN
Approximate location based on user input and does not represent an authoritative property location
MAP PANELS
Selected FloodMap Boundary
Digital Data Available
No Digital Data Available
Unmapped
OTHER AREAS
Area of Minimal Flood Hazard Zone X
Effective LOMRs
Area of Undetermined Flood Hazard Zone D
Otherwise Protected Area
Coastal Barrier Resource System Area
SPECIAL FLOOD HAZARD AREAS
Without Base Flood Elevation (BFE) Zone A, V, A99
With BFE or Depth
Regulatory Floodway Zone AE, AO, AH, VE, AR
OTHER AREAS OF FLOOD HAZARD
0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee. See Notes. Zone X
Area with Flood Risk due to Levee Zone D
OTHER FEATURES
Cross Sections with 1% Annual Chance
Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline
Profile Baseline
Hydrographic Feature
GENERAL STRUCTURES
Channel, Culvert, or Storm Sewer
Levee, Dike, or Floodwall

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Condition 10 (NO BLASTING SOUTH OF THE SAN DIEGO RIVER)

CONDITION 10 AS IT CURRENTLY APPEARS IN CUP:
Within the area between Mission Gorge Road and the San Diego River, blasting will be precluded within 200 feet of the Mission Gorge Road right-of-way and within 275 feet of the northeasterly property line adjacent to the Mission Pacific residential neighborhood.

RECOMMENDED CHANGES FOR CONDITION 10 (NO BLASTING SOUTH OF THE SAN DIEGO RIVER):
No blasting related to mining shall occur in the portion of CUP 82-0611 that lies south of the north bank of the San Diego River and east of the extension of Princess View Drive (Tierrasanta Boulevard).

FINDINGS for No Blasting South of the San Diego River:

WHEREAS, **THE PERMITTED OPERATION WILL "NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS LIVING OR WORKING IN THE AREA."** (Resolution 258660, June 14, 1983, as passed by the San Diego City Council regarding CUP 82-0611)

WHEREAS, **IMPACTS FROM BLASTING HAVE IN FACT BEEN ADVERSELY AFFECTING NEIGHBORS FOR OVER 40 YEARS.**

- **Vibrations** from blasting continue to cause damage, shake houses, frighten residents. (See Appendix, Condition 10: Vibrations - Additional Information)
- **Constant fine, grey, powdery dust** continues to be a major complaint of nearby residents. (See Appendix, Condition 10: Some Impacts to the Community)
- **Noise from operations and blasting** is a serious complaint for the closest neighbors. Noise associated with blasting (drilling, loading and transporting the broken rocks, as well

as the blast itself and warning signals) will be significantly closer to homes in Mariposa and exponentially louder.

• **Flyrock, while rare, has occurred at least *twice*** at the Mission Gorge Quarry, damaging homes up to 1600 feet away with force that would have been fatal had a person been struck. (MSHA citation # 8698481)

  ∘ **Flyrock (an object thrown from the blast) is considered such a serious safety threat** that the Mine Safety and Health Administration (MSHA) has a recommended best practice which says that the blast area (the setback) should as a minimum be 1 ½ times the furthest distance that any previous fly rock has traveled. For the Mission Gorge Quarry, that setback should be 2,400 feet since the flyrock that landed in Tierrasanta in 2014 traveled 1600 feet. (https://www.msha.gov/mnm-serious-accident-alert-surface-blasting)
  (See Appendix, Condition 10: Blasting and Flyrock - Additional Information)

• **Rockslides** pose a constant threat to safety and to the environment as some slopes may be unstable. (Initial Study, EQD No. 82-0611, 1983

  ∘ **A 700,000-ton rockslide** on the northern bank of the San Diego River was caused by blasting in 2002; the river channel was constricted, threatening to damage the trunk sewer that runs at the bottom of the river and that carries 19 million gallons per day of sewerage. An emergency CEQA exemption allowing for urgent debris removal was required to restore river function and prevent further damage. (Dept of Fish and Game, SCH Number 2002118248, Nov 19, 2002)

WHEREAS, **IMPACTS WILL INTENSIFY EXPONENTIALLY IF BLASTING IS ALLOWED SOUTH OF THE SAN DIEGO RIVER MUCH CLOSER TO HOMES.**

• **Moving blasting operations south of the river would shift impacts 850 feet to 2,000 feet closer** to Mariposa and Allied Gardens homes. Currently all blasting operations are north of the river.

If blasting moves south of the river, significantly closer to homes, it would create near-constant noise and dust from drilling the blast holes and from loading and hauling the blasted rock.

• **When the distance to a blast is REDUCED by 2/3, the intensity of blast forces, flyrock, velocity, vibration and noise INCREASES up to nine times.** (the inverse square law of physics). This applies to air overpressure, ground vibration, and flyrock velocity. (ISEE Blaster's Handbook, 2011; USBM RI 8507)

• **The exponential increase in sound as the source of the noise gets closer, applies to both explosive energy (blasting) (ISEE, Blaster's Handbook, 2011, USBM RI 8507) and equipment noise**. (EPA 1974, FHWA-RD-77-108, FHWA Highway Noise Prediction Model (FHWA-RD-77-108) Table 8: Relationship Between Decibel, Energy, and Loudness, https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide03.cfm)

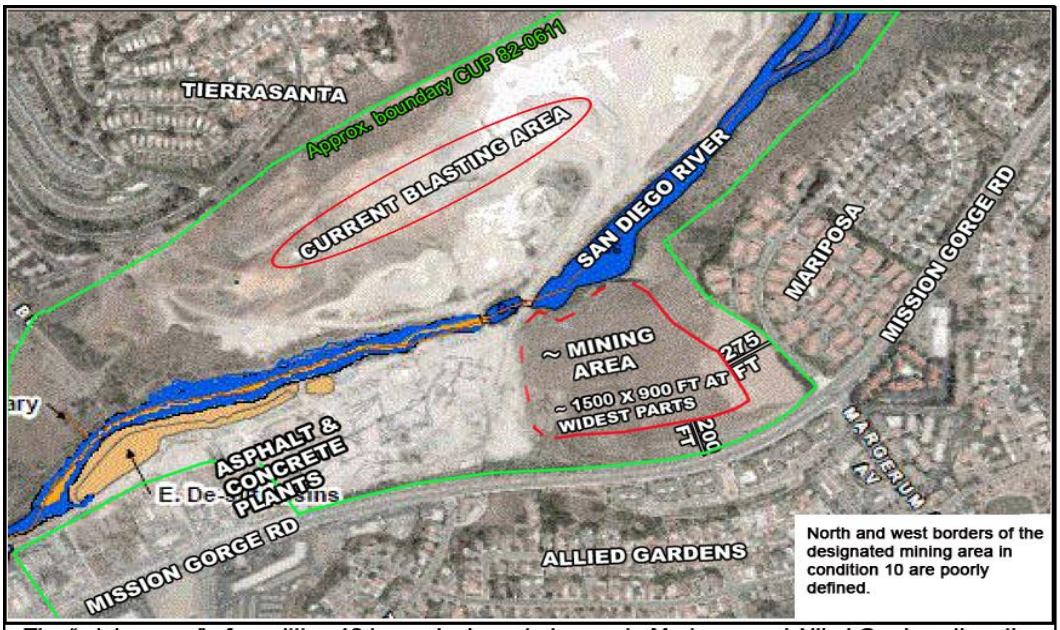
WHEREAS, **THE DESIGNATED MINING AREA OF CONDITION 10 HAS FUNDAMENTAL SAFETY ISSUES:**

• **The blasting setback recommended by MSHA cannot be applied.**

• **An established, adequate setback distance that allows for a worse-case scenario** is the surest way to guard against the catastrophic impacts of blasting that could affect nearby neighbors. (U.S. Bureau of Mines, RI 8507, Siskind et al., 1980)

• **The setback for this area should be the 2400 feet recommended by the MSHA,** as mentioned above, because of the 2014 flyrock incident. However, the mining area of condition 10 is not nearly that large. It is a physical impossibility to incorporate the larger, recommended setback into an area that is smaller than it is. [Distance flyrock traveled of 1600 feet, times 1.5 equals 2,400 feet] (MSHA citation # 8698481) (Surface-blasting.pdf), (https://www.msha.gov/sites/default/files/Alerts and Hazards/Surface-blasting.pdf)]

• **If mined, this area would be like a bowl cut deep in the earth**. Vibrations from blasting can bounce off the sides of the quarry walls. When the walls are very close, as these would be, the blasting vibrations can amplify (think of multiple echoes) creating yet another complexity in the blasting process. Subsurface variability and energy misdirection can cause unexpected concentrations of force at close range. (International Society of Explosives Engineers (ISEE) Blaster's Handbook, 18th Edition. Chapters 1 & 7)


TIERRASANTA
Approx. boundary CUP 82-0611
CURRENT BLASTING AREA
SAN DIEGO RIVER
MARIPOSA
MISSION GORGE RD
~ MINING AREA
~ 1500 X 900 FT AT WIDEST PARTS
275 FT
ASPHALT & CONCRETE PLANTS
MISSION GORGE RD
ALLIED GARDENS
North and west borders of the designated mining area in condition 10 are poorly defined.

The "mining area" of condition 10 is much closer to homes in Mariposa and Allied Gardens than the current blasting location. The area is "tight" with sensitive receptors on all sides.

The confined "tightness" of the area increases the chance of problematic blasting, significantly increasing the likelihood of uncontrolled flyrock incidents. (Jack Eloranta, ISEE, Mankato Free Press, 10/21/2017)

• **Usually, blasts are not aimed in the direction of any sensitive receptor**—but there are sensitive receptors on all four sides of this future mining area. If the blast is directed away from one sensitive receptor, it is by default aimed at another sensitive receptor.

• **The underlying soils are hard rock with possible clay seams and pockets**—a prime soil for causing flyrock—and a direct cause of the flyrock incident of 2014. (Department of Conservation Special Report 217, 2012), (MSHA citation # 8698481), (Initial Study, EQD No. 82-0611, 1983), (Navajo Community Plan 2015, Physiography) (See Appendix, Condition 10: SUBSOIL COMPOSITION)

• **Flyrock and rockslides—once labeled as potential threats—are currently documented realities** with two flyrock incidents, 1985 and 2014, and a significant blasting related landslide in 2002.

• **The regulations must be updated** to reflect the realities of these unchanging geologic hazards.

• **Safety must come first.** (MSHA, Serious Accident Alert – Surface Blasting, 2014)

• **Accordingly, blasting should not be permitted south of the San Diego River,** where risks remain high and setbacks are insufficient.
(See Appendix, Condition 10: Additional Impacts to the Community)

WHEREAS, **BLASTING SOUTH OF THE SAN DIEGO RIVER WOULD BE IN DIRECT CONTRADICTION OR VIOLATION OF:**

• **The California Constitution,** which affirms every person's inalienable right to life, liberty, safety, and property. (Article I, Section 1)

• **The California Environmental Quality Act (CEQA)**, which requires the identification and mitigation of significant adverse environmental impacts, including those affecting human health and community safety. (Cal. Pub. Res. Code § 21000(g)

• **The San Diego General Plan,** which emphasizes minimizing harmful impacts to adjacent properties as well as promoting public health, safety, and welfare. (City of San Diego General Plan, CE Element, Policy CE-A.3, CE-E, CE-K.3.) and (LU Element, LU-4)

• **Resolution R-258660 of the San Diego City Council** (June 14, 1983), which requires that mining operations "not adversely affect the neighborhood, the General Plan, or Community Plans, and not be detrimental to the health, safety, and general welfare of persons living or working in the area."

• **California Health and Safety Code section 41700** which prohibits the discharge of air contaminants that may cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property.

• **San Diego Municipal Code §126.0305(b)** which states that the development allowed by a conditional use permit conditional use permit will not be detrimental to the public health, safety, and welfare.

• **San Diego Municipal Code §11.0210 and California Civil Code §3479,** which prohibit any activity that threatens public health, safety, or interferes with the reasonable use of property or constitutes a public nuisance.

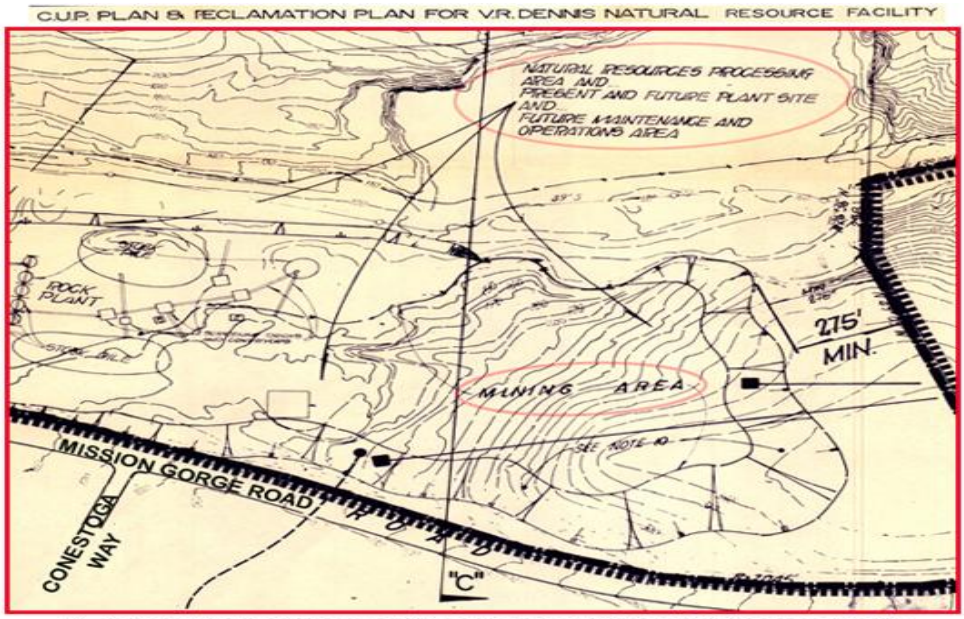
WHEREAS, **CONDITION 10 HAS NOT FOLLOWED LEGAL PROCEDURES, AS DESCRIBED BELOW.**

WHEREAS, **CONDITION 10 CONTRADICTS ITSELF; IT CANNOT BE ENFORCED:**

• **The "setbacks" do not agree.** CUP condition 10 states that blasting will be precluded 200 feet from Mission Gorge Road. The Reclamation Plan shows no setback along Mission Gorge Road. (CUP 82-0611, condition10); ("C.U.P. PLAN & RECLAMATION PLAN FOR V.R. DENNIS NATURAL RESOURCE FACILITY")

• **The CUP and the Reclamation Plan MUST work together.** The contradictory statements make enforcement impossible, in violation of CEQA and other regulations. (SDMC section 126.0301 and 126.0302), (SMARA Section 2712-reclamtion Plan Guidelines), (Public Resources Code § 2770 (a-c), Code § 2772 (a)), ("SMARA Reclamation Plan Submittal Procedure" SMARA Reclamation Plan Submittal Procedure as retrieved 6-9-2025), CEQU

Guidelines § 15126.4(a), (City of Carmel-by-the-Sea v. Board of Supervisors, 183 Cal.App.3d 229 (1986))


C.U.P. PLAN & RECLAMATION PLAN FOR V.R. DENNIS NATURAL RESOURCE FACILITY
NATURAL RESOURCES PROCESSING AREA AND PRESENT AND FUTURE PLANT SITE AND FUTURE MAINTENANCE AND OPERATIONS AREA
ROCK PLANT
275' MIN.
MINING AREA
SEE NOTE 10
MISSION GORGE ROAD
CONESTOGA WAY
"C"

RECLAMATION PLAN (ABOVE) SHOWS NO SETBACK ALONG MISSION GORGE ROAD

WHEREAS, **THE RECLAMATION PLAN LACKS REQUIRED INFORMATION:**

The Reclamation Plan does NOT show, label and/or indicate, as required by law:

- The required setback areas for Mission Gorge Road and Tierrasanta (condition 9).
- The San Diego River—Condition 10's northern boundary and a key ecological resource.
- The Mission Pacific neighborhood—Condition 10's eastern boundary.
- A defined western boundary for the future mining area (it merges into the production zone).
- The trunk sewer, which must be identified and protected.
- The type of mining (blasting vs. soft mining) and a timeline for each mined segment.
- Associated regulations: Public Resources Code § 2772 (c)(5)(B,C,D,E) and 2772 (c)(6).

WHEREAS, **THE COMMUNITY HAS NOT BEEN GIVEN CLEAR INFORMATION:**

- **The "mining area" label is illegible** on reasonably-sized copies of the original, very large, Reclamation Plan, due to the reduced size of the font and the map contour lines the label was written over.

- **Statements that "blasting is precluded" are meaningless** without stating where blasting is permitted; Condition 10 never expressly permits blasting anywhere.

- **All mining actually occurs north of the San Diego River** and processing occurs south of the river. Blasting has been exclusively on the north side since at least 1982. The facility's SWPPP permit (# 9 371005157, 6.1.1) states this reality. The CUP, however, lacks any clear blasting location.

WHEREAS, **THE COMMUNITY HAS BEEN DENIED PROPER AND FULL REVIEW:**

- **Residents have been denied their rights under CEQA** to understand, review, or object to the possibility of blasting South of the San Diego River and its environmental impacts during the public hearing process due to the lack of clarity described above.

• Associated regulations and polices: (Ca Gov Code § 65854 and associated procedural statutes for CUP adoption); (Cal. Pub. Res. Code § 21000(g); CEQA Guidelines § 15003(b), (c), (i)); (Communities for a Better Environment v. South Coast AQMD, 48 Cal.4th 310 (2010),)

WHEREAS, **BASIC LAND PLANNING PRINCIPLES ARE IGNORED WHEN BLASTING OPERATIONS ARE ALLOWED NEXT TO EXISTING HOMES AND A PROTECTED WATERWAY.**

• **Extractive industries need to be separated** from other incompatible uses in order to safeguard public health, safety, and environmental quality, pursuant to The City of San Diego General Plan (see Table LU-4) and SDMC §131.0604 (Purpose of the Industrial--Heavy Zones)

• **Since blasting has not yet begun south of the San Diego River,** The City still has the opportunity to preserve a necessary buffer that protects residents, safeguards the San Diego River, and upholds the intent of San Diego's land use policies.

THEREFORE, recognizing The City's responsibility to protect public safety, environmental health, and the integrity of land use decisions, it is respectfully recommended that Condition 10 of CUP 82-0611 be modified as follows:

No blasting related to mining shall occur in the portion of CUP 82-0611 that lies south of the north bank of the San Diego River and east of the extension of Princess View Drive (Tierrasanta Boulevard).

IMPACT ON THE FUTURE for no blasting south of the San Diego River: Allowing quarry operations to expand closer to homes would represent an avoidable failure in land use policy— quarries simply do not belong in the middle of, or adjacent to, residential neighborhoods. Rather than compounding this long-standing incompatibility, this opportunity should be taken to correct past oversights and prevent further encroachment of negative impacts into the community. There needs to be a greater buffer between extractive industries and other land uses. The use of this property would serve the best land use purpose as part of that buffer.

IMPACT ON THE APPLICANT for no blasting south of the San Diego River: It is impossible for the Navajo Planning Group to determine the economic impact that not mining this small piece of land will have on an 84-billion-dollar company, however:

• Mining has not started in this area, so there would be no lay-offs or decrease in production.

• At the time Vulcan acquired the facility, the facility was actively undergoing the amendment process for its Conditional Use Permit. All conditions were being evaluated. If Vulcan had sought greater certainty regarding the outcome of the amendment process, it would have been more prudent to postpone the acquisition until after the amendment process had concluded.

• At a 2024 Subcommittee meeting during the CUP review, the applicant (Superior Ready Mix) stated they were not planning on blasting in the area south of the San Diego River, citing inferior rock quality compared to the north side of the river, although they did want to keep mining as a potential in case the facility was sold. This assessment of the subsoils aligns with the Department of Conservation's findings in its Special Report 217.

• After adjusting setbacks to safer distances that take into account the past occurrences of flyrock and a major rockslide, there would be limited, if any, land available in the "mining area" anyway.

• The land could be repurposed for another use.

• **Per the MSHA, safety must come first. If mining is not safe, it should not proceed regardless of economic impact.** (30 CFR § 56.1)

IMPACT ON THE COMMUNITY for no blasting south of the San Diego River: Prohibiting blasting south of the San Diego River upholds the rights of San Diegans—including those who live close to the quarry--that are guaranteed by the California Constitution and that should be protected by the quarry's Conditional Use Permit.

TIMING for no blasting south of the San Diego River: Conditions to be enforced as soon as the amended CUP 82-0611 is approved.

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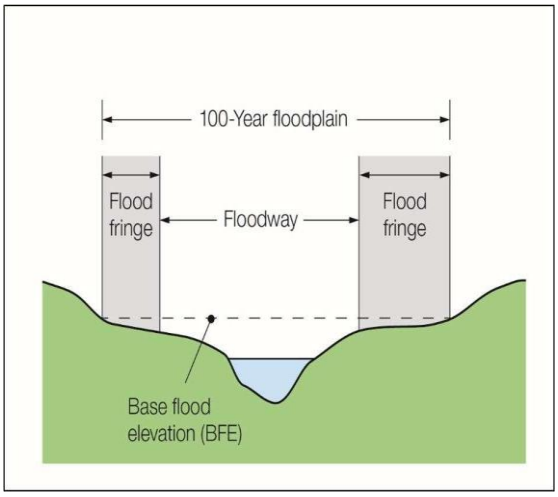
Condition 12 (FILLING & GRADING WITHIN THE SAN DIEGO RIVER)

CONDITION 12 AS IT CURRENTLY APPEARS CUP:
12. No filling or grading shall be conducted within the floodway of the San Diego River, nor within 300 feet of the center line of the river, until any and all permits required from Federal, State and local agencies have been obtained, and The City Development and Environmental Planning Division has reviewed the proposed grading or filing.

RECOMMENDED CHANGES FOR CONDITION 12 (FILLING & GRADING WITHIN THE SAN DIEGO RIVER):
Require a CEQA review to investigate filling and grading history in subarea 'B' related to this condition for the purposes of determining disturbed lands requiring interim and final reclamation – with particular attention to instances where the river floodway and fringe have been altered.

FINDINGS for Filling & Grading Within the San Diego River: It was not clear to the committee whether permit records of filling, grading, creation of ponds for delivery of water used for washing product in the processing area, settling of silt in ponds created adjacent to the river, or other incidental mining activities were properly permitted and recorded.

It is evident by conditions on the ground that these activities have occurred. Similarly, from satellite photos of the western portions of subarea 'B,' adjacent to U.S. Navy property, there is evidence of sand extraction from the river, as well as dikes restricting river flow, and grading on land. There is also an access road running almost the full length of subarea 'B,' adjacent to the river, the applicant claims it is used for mining. This claim is unsupported as discussed in recommendations and findings for conditions 2 and 5. Similarly in subarea 'A' there has been a bridge constructed to access the quarry that has caused major constrictions of the river floodway. The applicant did not supply any permit records to the committee.



IMPACT for Filling & Grading Within the San Diego River: This brings the facility into compliance with required Federal, State and local agencies and The City's Development and Environmental Planning Division.

TIMING for Filling & Grading Within the San Diego River: Begin Immediately.

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Condition 13 (LANDSCAPING OF THE RIVER CORRIDOR)

CONDITION 13 AS IT CURRENTLY APPEARS IN THE CUP:
13. Landscaping of the river corridor shall be exclusively with native riparian plant species such as sycamore, willows, etc., as shown on the Landscape Concept Plan.

RECOMMENDED CHANGES FOR CONDITION 13 (LANDSCAPING OF THE RIVER CORRIDOR):
Clarify what landscape concept plan is being referred to.

Require the Applicant submit a phased 5 year reclamation plan to begin interim reclamation of the river corridor along the full length of subarea 'B', in areas previously mined as determined by CEQA review, implementing related EIR recommendations from that review, providing easements required in proposed revisions to condition 8, meeting conditions of 11, 12, 14, and 15, and proposed conditions 5 and 28.

FINDINGS Landscaping of the River Corridor: If the landscape concept plan being referred to is the approved reclamation plan, then say that; if it is another document of record, attach it as an appendix for historical purposes as proposed in recommendations for condition 20.

Granting easements should be a contingent condition for approval of the CUP.

As discussed in findings for condition 5, the applicant's failure to submit any phased reclamation plans for the last 30 years is believed to have been prejudicial to SMARA regulation Section 3502 covering Reclamation Plans and its objectives in Public Resources Code Section 2712(a)-(c); and likewise, appear inconsistent with numerous parts of SDMC §141.1006 and relevant permitting conditions of the CUP.

IMPACT for Landscaping of the River Corridor: Would clarify which Landscape Concept Plan is being referred to and will bring the land into compliance with the San Diego permitting requirements.

TIMING for Landscaping of the River Corridor: Interim reclamation of the river corridor should begin immediately.

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Conditions 16 & 18 (STABILITY OF STEEP SLOPES)

CONDITION 16 AS IT CURRENTLY APPEARS IN THE CUP:
16. Within the rock quarry area, finished slopes without benches and steeper than 1 1/2:1 will be permitted upon report and certification by a soils and geologic engineer that such slopes are stable.

CONDITION 18 AS IT CURRENTLY APPEARS IN THE CUP:
18. Slope stability shall be certified by a soils engineer prior to commencement of grading or excavation operations in that area designated as "SLIDE PRONE" on APPENDIX "A."

RECOMMENDED CHANGES FOR CONDITIONS 16 & 18 (STABILITY OF STEEP SLOPES):
Recommend an investigation of the south facing high wall rock face as well as north facing walls, by certified soils and geotechnical engineer, reports to be reviewed and approved by The City Engineer for stability, with specific attention to the slide prone area, sources of the talus fields, and adverse geologic structures and slope failures being created and cited in the 3-19-2019 SMARA inspection, PRJ 625013-1.

FINDINGS Stability of Steep Slopes: The subject SMARA inspection above revealed unstable structures on an approximately 200' high rock face proximate to housing areas bordering Tierrasanta

and should be thoroughly investigated. Particularly in light of the applicant's previous history of mining activities leading to large landslides.

IMPACT for Stability of Steep Slopes: Would stabilize slopes to prevent landslides caused by mining activities.

TIMING Stability of Steep Slopes: To begin Immediately.

Condition 17 (SLOPE STABILITY IN OTHER AREAS)

CONDITION 17 AS IT CURRENTLY APPEARS IN THE CUP:
17. Excavation and slope stability in other areas shall be certified by a soils engineer.

RECOMMENDED CHANGES FOR CONDITION 17 (SLOPE STABILITY IN OTHER AREAS):
Change to read: "Excavation and slope stability within CUP boundaries shall be certified by a soils engineer."

Also recommend investigation of bluffs between Margerum and Conestoga Dr. facing Mission Gorge Rd.

FINDINGS Slope Stability in Other Areas: Various slopes within the CUP boundary presently appear unstable or highly eroded and should be certified stable.

IMPACT for Slope Stability in Other Areas: Will help prevent landslides.

TIMING for Slope Stability in Other Areas: To begin Immediately.

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Condition 19 (COMPLIANCE WITH AIR QUALITY REGULATIONS)

CONDITION 19 AS IT CURRENTLY APPEARS IN THE CUP:
19. Continued operations shall comply with county Air Pollution Control District (APCD) regulations as contained in Permit No. 254-258-1339-1572

RECOMMENDED CHANGES FOR CONDITION 19 (COMPLIANCE WITH AIR QUALITY REGULATIONS):
The facility and its operations shall be in compliance with all federal, state, and local air quality regulations, including the California Air Resources Board (CARB) and the San Diego Air Pollution Control District (APCD) and with the specific conditions listed in each permit issued to the facility by the APCD,* including rule 10, 20, 40, 50, 51, including all additional conditions/requirements/agreements set forth by the APCD in response to any Notice of Violation or Notice to Comply. Inspectors shall be aware of APCD permits and all related limits on production for all equipment with a full Permit to Operate, including:

The Asphalt Plant (APCD2008-PTO-930742
The Concrete Batch Plant (APCD2008-PTO-972902)
The Aggregate Rock Plant (APCD2008-PTO-001572)
The CTB Plant (APCD2008-PTO-001339)
The Relocatable Rock Crushing Plant (APCD2008-PTO-890533)

To ensure the welfare of the community, The City shall request ongoing notification from the APCD for:

a. Changes in the facility's permit conditions,
b. Notices of Violations and Notices to Comply issued to the facility,
c. The resolution of such notices,
d. The results of inspections,

e. Applications for new or upgraded equipment, and
f. Results of APCD's Health Risk Assessment (HRA) for the Facility.

And * *Note: APCD permit requirements for blasting are listed under the aggregate rock crusher permit.*

FINDINGS for Compliance with Air Quality Regulations:

Whereas: There is not and never has been an APCD permit number 254-258-1339-1572 (APCD, Jim Swaney, 2021) but the numbers between dashes may represent the last digits of permits that existed prior to 1983,

Whereas: The purpose of the CUP is to make sure that the health, safety, and welfare of the nearby community is protected, and that significant air quality impacts are avoided (Resolution No. 238-PC, CUP 238-PC, 1983 Environmental Impact Study).

Whereas: Air quality control for the Facility is regulated by the APCD, including the many APCD permits held by the Facility, and as well as by state and federal regulations (Clean Air Act, California Air Resources Board, etc.) with programs such as the Hot Spots Program that did not exist in 1983 when this CUP was first amended; and the facility must comply with all of these regulations; (Condition #33 of the CUP).

Whereas: There are also conditions/agreements/responses that the applicant and the APCD have agreed upon and with which the Facility is obligated to comply. These are not official APCD *regulations*, but they are still binding. However, If these conditions/agreements/responses are not communicated to The City, The City has no way of knowing what they are, (per the APCD, William Jacques, Jim Swaney, 2021, 2022).

Whereas: More interagency transparency/communication is needed so that The City is aware of concerns that other agencies, such as the APCD, may have about the facility.

Whereas: There are examples that illustrate the very real need for interagency communication and transparency, including the building of structures where they cannot be fully utilized, and including The City being unaware when complaints concerning operations of the Facility are made through other agencies (which includes most complaints), and including The City being unaware of how well the facility is complying with the "Hot Spots" program which monitors industrial emissions.

Whereas: The APCD is the only agency which can determine if the facility is in compliance with air quality regulations. If The City is not requesting current feedback from the APCD, The City cannot know with any degree of certainty if indeed the welfare of the community is being protected.

Whereas: the APCD is willing to share this information if requested by The City (APCD, William Jacques, 2022).

Whereas: The main complaint from the community is dust from the facility. Recent legal settlements had dust and dust control as major components of the disputes litigated. Continued compliance by the applicant will require active engagement by all regulating agencies having enforcement ability for air quality, including the APCD, the Mine Safety and Health Administration and others.

Whereas: The most recent SMARA inspection (2023) failed to list limits on production placed by the APCD.

Whereas: This condition should apply to subarea 'B,' especially as subarea 'B' should be included in definitions of the 'project', and subarea 'B' and has the potential to contain legitimate mining activities once an updated reclamation plan is submitted, and subarea 'B' does currently contain considerable dirt accesses, which have the potential for air quality regulation concerns.

Therefore: **1) The facility needs to be in compliance with all air quality regulations,** and 2) The City needs to request information from the APCD that will allow The City to make informed judgments about the effect that the facility is having on the welfare of the nearby community.

IMPACT for Compliance with Air Quality Regulations: The modifications in this condition would require The City to make some one-time requests to the APCD and would require the APCD to copy The City in various discussions/decisions. There is some administrative work involved but compared to building an entire asphalt plant in a location where it cannot fully function or not knowing if the health of the community is safeguarded, the additional work is not significant.

TIMING for Compliance with Air Quality Regulations: The Facility should already be in compliance with all regulations and should continue to remain in compliance. This modification should commence as soon as the amended CUP is adopted.

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Condition 20 (CONDITIONS FOR CONTINUED OPERATIONS)

CONDITION 20 AS IT CURRENTLY APPEARS IN THE CUP:

Existing buildings, structures, machinery, equipment and facilities in the natural resources processing area designated on the plot plan as present and future plant sites may be used, operated, maintained, altered, enlarged, repaired, modernized, and replaced, provided that appropriate building permit is as required by appropriate governmental regulation are obtained and provided that such installations and their operations meet the requirements of Public Health, Water Quality Control, and Air Pollution Control regulations and the following:

a. That access and operating area roads be oiled, paved or otherwise dust-roofed, and so maintained, as may be required by the Air Pollution Control Officer.
b. That material delivery trucks be watered or covered prior to departure from the site.
c. That dust emissions at screens, rock crushers at grading and mining areas and material transfer points be controlled by water sprays or by other equally effective dust control methods, as may be required by the Air Pollution Control Officer. These operations shall also meet all noise abatement regulations.
d. That cement mix plant dust, conveyors and elevators be operated and maintained to meet air pollution and noise abatement regulations.
e. That cement soils and weight hopper be operated and maintained to meet air pollution and noise abatement regulations.
f. That adequate water supply be provided where cement, aggregate and water are mixed and transferred into the cement mix trucks to prevent dust emissions at this point.
g. That dry cement delivery trucks be provided with dust shrouds to prevent dust emissions when unloading cement into storage bins.
h. That a cleaning area be provided for cement mix trucks to prevent accumulation of cement residue on the ground where it could be pulverized into dust by vehicular traffic.
i. That the hot plant ducts, elevators, and dust collectors be operated and maintained to meet air pollution and noise abatement regulations.
j. That the hot mix plant cyclones and wet wash scrubber be capable of limiting emissions from the exhaust stack to 40 pounds per hour maximum, as prescribed in San Diego County Air Pollution Control District rules and regulations.
k. That dust control methods be applied to any dust producing conditions which may develop and result in a nuisance from this operation, as may be determined by the Air Pollution Control Officer.

That an adequate supply of water, approved by the San Diego Department of Public Health, be provided to effect [sic affect] the above dust control methods.

RECOMMENDED CHANGES FOR CONDITIONS 20 (CONDITIONS FOR CONTINUED OPERATIONS):
Clarify what plot plan this condition refers to.

Keep the base paragraph of condition 20, but add language which does the following:

1) Retains the original plot plan referenced as an appendix to the CUP for historical purposes.
2) Requires new, regulation specific, site plans be generated by the applicant as appendices to the CUP, i.e. one for SMARA reclamation regulations (showing federal waters, mining ponds, borrow pits, 5-yr. plan areas, grading, (controlled and uncontrolled fill), one for landscape concept plan (showing plantings, FEMA floodways, incorporating DFW wetland areas, and MHPA's and monitoring areas, and ESL's), one for APCD regulated equipment, one for SWPPP regulations, etc..

FINDINGS for Conditions for Continued Operations: It is unclear what plot plan is referred to in the original condition, if it is the reclamation plan say that, if there is another map/plot plan on record specify it by number and include that as an appendix in the CUP for historical purposes. One of the major challenges in reviewing the CUP was current, regulation specific, site plans. Effectively the only site plans available to the committee were the 1982 reclamation plan, and rudimentary sketches of portions of the site contained in the 2015 SWPPP, and other document word descriptions. Had there been a more comprehensive set of regulation specific site plans, the committee review would have been much easier, proceeded more quickly, and been qualitatively better.

IMPACT for Conditions for Continued Operations: This will involve the expense of creating maps/site plans which should have been produced as conditions changed over the years and which are necessary for the lead agency to be able to effectively manage its obligations.

TIMING for Conditions for Continued Operations: This should begin effective immediately. No timing statement was given. This is suggested. Is it OK?

[Return to TOC

Condition 21 (SECURITY FENCING)

CONDITION 21 AS IT CURRENTLY APPEARS IN THE CUP:
21. That the excavation areas shall be fenced with an acceptable security fence which shall be maintained at all times. There shall also be maintained at all times a continuous security fence along the entire buffer area between the Tierrasanta residences and the conditional use permit area.

RECOMMENDED CHANGES FOR CONDITION 21 (SECURITY FENCING):
Issue an enforcement order for repair of fencing required by this condition.

FINDINGS for Security Fencing:

It is believed SDMC §142.1160 Outdoor Activity Regulations for Industrial Zones is germane and is not being complied with:

a) Outdoor activity and work areas are permitted only when associated with an allowed use located on the same premises.
b) Outdoor activity and work areas are not permitted within the required front or street side yards or within required parking areas or landscaped areas.
c) Outdoor activity and work areas shall be completely enclosed by fences, walls, buildings, or a combination of these that are not less than 6 feet in height and are impervious to light for at least 50 percent of the surface area.

Numerous areas surrounding the processing facility where fencing once stood are in disrepair and require installation of new fencing that satisfies the applicable code requirements. Additionally, fencing in the buffer areas, which prevents access to areas above the mine, also appears to be in disrepair in places.

IMPACT for Security Fencing: This will increase safety and comply with City code.

TIMING for Security Fencing: To begin immediately.

[Return to TOC

CONDITION 23 (BLASTING SAFETY)

CONDITION 23 AS IT CURRENTLY APPEARS IN THE CUP:

23. Except for reasons of safety, blasting will be limited to the period between 12 noon and 5:00 p.m., Monday through Friday. Blasting will not be permitted on weekends.

SUGGESTED MODIFICATIONS TO CONDITION 23 (BLASTING SAFETY):

23. a. SCHEDULE. Except for reasons of safety, blasting will be limited to the period between 12 noon and 5:00 p.m., Monday through Friday. The schedule in this condition shall govern notwithstanding any other CUP provisions, unless another condition or law imposes more restrictive limits. Blasting will not be permitted on weekends.

b. SETBACKS. As of Jan 1, 2025, blasting is being conducted only north of the San Diego River, which may maintain the legacy minimum setbacks of 500 feet from any residential property or public roadway and no less than 100 feet from any property line (per condition 9 of this CUP).

In the event of another flyrock incident, however, all areas of blasting shall thereinafter comply with the best practices of the MSHA which specify that the blast area (setback area) for a quarry shall be a minimum of 1.5 times the greatest distance that a flyrock from that quarry has traveled. Since the flyrock of 2014 travelled 1,600 feet, the setback distance would become 2,400 feet.

All blasting in any areas not being mined as of Jan 1, 2025, (such as areas south of the San Diego River) shall, if blasting is subsequently allowed, comply with the best practices of the Mine Safety and Health Administration (MSHA), as well as all applicable federal, state, and local regulations and recommendations of the National Mining Association (NMA), which currently recommends a 500-foot setback. Where requirements overlap, the most stringent regulation will govern.

c. USE OF ADDITIONAL TECHNOLOGIES TO LESSEN IMPACTS OF BLASTING. In accordance with San Diego Municipal Code, QECA, and SMARA, feasible mitigation measures to reduce significant environmental impacts must be implemented.

- Cannon misters, or other technology that is equally effective at reducing dust from blasting shall be used to minimize dust resulting from blasts when the detonation area is less than 1,000 feet from a residential property. Loading/unloading operations from such blasts shall likewise use misting technology to reduce dust emissions.
- If for any reason a blast is permitted within 500 feet of a residence, occupied structure, or public road, the when the safety of the public requires it the blast shall be covered with blasting mats or other protective devices in alignment with Title 19, CCR § 1568.5.

d. MAINTAINING RECORDS of Complaints. The Permittee shall maintain a log of all complaints or reports related to blasting, regardless of how the complaints or reports are received. This includes complaints received directly from individuals, through community meetings, local planning groups, homeowner associations, neighborhood representatives, or any other public forum or intermediary.

The log shall include the complainant's name and address (if provided), the name of the person receiving the complaint, the date and nature of the complaint, any investigation conducted, and the final disposition of the matter.

Because blasting directly concerns public safety, the log shall include all reports of blasting-related impacts or alleged damages, including those resolved through private agreements, including non-disclosure settlements.

The log shall be made available to The City and to the public upon request. Each detailed complaint shall be kept for five (5) years. - At the end of this period, the log shall be offered to The City.

e. VIBRATION MONITORING. Ground vibrations and airblast pressure for each blast shall be measured in the Mariposa, Tierrasanta and Allied Gardens communities and the results shall be available to community members upon request. A minimum of one seismic monitor shall be placed in each community. In Mariposa and Tierrasanta, to the extent possible, the placement of the monitor will be next to the closest residential structure. In Allied Gardens, to the extent possible, the placement of the monitor will be along Chaparajos Ct. or the part of Conestoga Way between Laramie Way and Red River Drive, with the northern part of Chaparajos Court being the preferred placement. Should the location of blasting change, the location of sensors shall be moved in order to be in the best position to record the blast vibrations.

f. ALERT NOTICES TO RESIDENTS. The Permittee shall provide a written alert notice annually to all residents within a 2,400-foot radius of any blasting site. The alert notice shall inform residents that blasting occurs as part of ongoing quarry operations and explain that audible warning signals are used to alert individuals in the vicinity that a blast is imminent and they should take cover or evacuate the area to ensure safety.

The alert notice shall also clearly state that flyrock—the ejection of rock fragments from a blast site—is a known hazard associated with blasting and that while rare, flyrock incidents can occur, with rocks traveling more than a thousand feet from the blast site and posing a serious risk to people and property.

The purpose of this alert notice is to promote awareness of blasting dangers and minimize potential harm by making residents aware that the purpose of the warning signal is to warn people to clear the area and/or take cover until the blast is completed. This alert notice, on a separate sheet of paper, may be included in the same mailing with another notice required by this CUP.

g. WARNING SIGNALS. Warning signals shall sound five minutes and one minute before the blast. The signals shall be heard clearly in areas that could possibly be affected by impacts from the blast, pursuant to *19CCR section 1568.5 (Warnings signals, mats)*

h. BLASTING HOT LINE. The Permittee shall establish and maintain an email notification system to inform interested persons of upcoming blasting events. Each notification shall include the anticipated date, time, and general location of the blast (e.g., east or west side of the quarry). This same information shall be available through a recorded phone message which the operator shall make known to residents within 2,400 feet of the blasting area.

Residents may subscribe to the notification list by contacting the operator and providing a valid email address. The Permittee shall maintain the list in a secure and up-to-date manner, and residents shall have the option to unsubscribe at any time upon request. Email addresses and personal information given to the quarry when signing up for the email notification system shall be used for that purpose only and shall not be further distributed in any way.

Email notifications shall be issued and the phone message updated as soon as the details of the scheduled blast are confirmed.

i. Operator shall be aware of the conditions in the APCD permit for the aggregate rock crusher which deal with requirements for the type of permitted explosives, limitations on the number of permitted quarry blasts per calendar year, the amount of explosives permitted per blast, and requirements for blasting logs.

j. PERMITS ON FILE. The Permittee shall keep on file all permits and authorizations required for blasting operations, including any permits issued by local, state, or federal agencies. These permits shall be available to The City as well as the public upon request.

k. APPLICATION OF SAFETY REGULATIONS: All mining and blasting safety regulations, for the purposes of CUP 82-0611, and under the authority granted to The City by SDMC 126.0301, shall apply without limitation to all persons who may be affected by blasting operations. These protections shall not be restricted based on an individual's employment, contractual, or community status."

FINDINGS for Blasting Safety:

1. **For ESTABLISHING PROPER SETBACKS:**

Whereas, blasting operations under CUP 82-0611 have occurred only on the north side of the San Diego River, and the setbacks in that area are carryovers from the original 1983 permit that predate known flyrock incidents;

Whereas, these legacy setbacks—500 feet from residential structures and 100 feet from the CUP boundary—were not based on empirical blast hazard distances or MSHA best practices, and they failed to prevent off-site harm in both the 1985 Mariposa flyrock incident and the 2014 Tierrasanta flyrock incident (Mission Gorge Mine 04-00089, MSHA Event No. 6595381; Citation/Order Nos. 8698480–8698482), where flyrock damaged four homes and could have been fatal;

Whereas, although the 500-foot setback is not a safety benchmark by today's standards, it may be retained for the remainder of the CUP term on the north side of the river where blasting is already established under Condition 9, as changes there are not practicable;

Whereas, the 500-foot legacy setback of Condition 9 shall not be applied to any new blasting areas, and for any location where blasting has not been previously established under this CUP, updated safety standards consistent with MSHA best practice shall apply—specifically, a setback equal to 1.5 times the farthest observed flyrock; (https://www.msha.gov/mnm-serious-accident-alert-surface-blasting)

Whereas, applying MSHA best practice to the 2014 Mission Gorge flyrock distance would require a setback of approximately 2,400 feet, a standard that effectively prohibits blasting in such new areas for the remainder of the CUP term unless this distance can be maintained and

Whereas, The City's obligations under SDMC 126.0301 and CEQA require that foreseeable hazards be mitigated using the most protective safety standards available and retaining outdated setback distances for new blasting areas would fail to meet this responsibility.
(See Appendix, Condition 23: Recommended Setback Distances)

2. For use of ADDITIONAL TECHNOLOGIES to LESSEN IMPACTS OF BLASTING

Whereas: Blasting is the largest source of fugitive dust for the Mission Gorge Quarry and this dust negatively impacts nearby residents.

Whereas: Dust from quarry blasts has been documented to rise above the level of the elevated residential areas that surround the quarry, and it has been documented to travel up to 1,200 feet from the blasting detonation location within the first few minutes after the blast. *(Pages 7, 9, 47, 48, 49, 71, 72 APCD Inspector's Narrative, Notices of Violation APCD2018-NOV-000596, -602, 633, -663, -718 & -741_Narrative)*

Whereas: There are currently no mitigation measures to control the dispersion of this significant source of particulate emissions, and as blasting gets closer to residential areas, this becomes even more problematic for residents.

Whereas, Mist cannons are recognized by the industry as a proven mitigation tool for controlling dust.

Whereas: The use of atomized mist cannons—before and after blasting, and at crushers and haul roads—represents a feasible and effective dust control strategy. and should be used, in accordance with CEQA Guidelines *14 CCR section 15123 (b) (1) (a)* which encourage the use of alternative mitigation measures to achieve the desired mitigation results, and *Public Resources Code § 21002* which states: "Public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects," and *SDMC 126.0301,* which both authorizes and obligates The City to fully protect the public health, safety, and welfare of the community.

Inspector's Narrative: A view of dense dust clouds created from the quarry blast. Notice the two dust clouds forming -- one traveling east (more dense) and one traveling south (less dense). (APCD Notice of Violation, 2018, VL)

Whereas: The use of atomized mist cannons is consistent with California's intent to minimize environmental harm (Pub. Res. Code § 2712 et seq., This is particularly important in space-constrained, urbanized areas where buffer zones are inadequate.

Whereas: Blasting mats or other protective devices are required by Title 19, CCR § 1568.5. when needed to ensure the safety of the general public.

Whereas: Title 19, CCR § 1568.5. does not define how close the blasting must be to trigger the need for special protection. For the purposes of this condition in CUP 82-0611, that distance shall be 500 feet.

Whereas: The 500-foot distance was derived using the scaled-distance formula established in the U.S. Bureau of Mines Report of Investigations 8507 (Structure Response and Damage Produced by Ground Vibration From Surface Mine Blasting, 1980). Calculations were performed using representative hard-rock quarry blasting parameters (charge weights of 50–100 lbs per delay; k-values of 50–60). The computations were carried out using an AI-based analytical tool, applying the USBM methodology to determine a conservative threshold distance at which blasting mats must be used to maintain ground vibration and flyrock risks within accepted safety margins. This threshold also aligns with federal MSHA guidance to provide adequate protection from flyrock when blasting near structures.

In other words: Using proven federal blasting safety formula and typical quarry numbers, calculations were made with an AI analysis tool, and found that 500 feet is a safe, conservative trigger point for when blasting mats should be used to prevent flyrock from reaching nearby areas.

3. For MAINTAINING RECORDS of Complaints:

Whereas: As lead agency, The City needs to know how the facility is affecting the health, welfare, and safety of the surrounding community.

• Historically, a representative of the facility has directed neighbors to report concerns—including those related to blasting—directly to the facility, rather than to The City. In fact, The City has at times identified the permittee as the official point of contact for such concerns.

• This practice effectively removes The City from the complaint process, leaving it unaware of potential safety issues or operational impacts.

• Without a formal, required process—such as maintaining an official complaint log that is regularly shared with The City—The City cannot fulfill its legal obligations to monitor, evaluate, and respond to the facility's impacts.

• These legal responsibilities arise under the following authorities:

  ◦ San Diego Municipal Code § 126.0301, which grants The City authority to apply CUP conditions that fully protect public health, safety, and welfare

  ◦ SMARA (Public Resources Code section 2774(b) regarding the responsibilities of the lead agency

  ◦ CEQA (California Code of Regulations, Title 14, § 15097(a)) requiring the public agency to adopt a program for monitoring and reporting revisions in the project and the mitigation measures it has imposed.

  ◦ California Public Records Act (CPRA),

Whereas: Requiring the facility to Maintain a log of all complaints related to blasting would:

• Supply The City with information it needs to fulfill its responsibility as lead agency.

• Supply residents with information vital to their health and welfare.

4. For VIBRATION MONITORING:

Whereas: Seismic meters shall be placed in the Tierrasanta, Mariposa, and Allied Gardens communities, in keeping with:

• U.S. Bureau of Mines RI 8507 by Siskind et al., which supports placing seismographs at or near residential structures to measure true site-specific impacts.
(See Appendix, Condition 23: Seismic Monitor Placement)

• SDMC 126.0301, which states that the intent of the CUP is for each use to be developed so as to fully protect the public health, safety, and welfare of the community. To provide this protection, conditions may be applied to address potential adverse effects associated with the proposed use.

• The International Society of Explosives Engineers (ISEE) Blaster's Handbook, 18th Edition which recommends the use of permanent or mobile seismographs at sensitive sites, including residences, to monitor compliance with accepted vibration and overpressure limits. (See Appendix, Condition 10: Vibrations - Additional Information)

5. For ALERT NOTICES to residents:

Whereas: Notices should be sent to residents annually alerting them to the presence of blasting operations, in keeping with:

- The California Constitution Article 1, section 1, which protects residents' rights to know about dangers to their health and safety, including blasting hazards, such as risk of flyrock.
- SDMC 126.0301 which states that the intent of the Conditional Use Permit is that each use be developed so as to fully protect the public health, safety, and welfare of the community."
- The fact that residents move in and out of the area from time to time, so the need to notify residents of blasting hazards is ongoing, making annual notification to nearby residents essential.
- California's Constitution which guarantees the public's right to access information about government actions affecting their communities (Cal. Const. Art. I, § 3(b)).
- The California Public Records Act which affirms that access to public information is a fundamental right.
- The MSHA's best practices mandate that the blast area for a quarry that has experienced flyrock is 1.5 times the greatest distance that a flyrock has flown. In the case of the Mission Gorge quarry, that distance would be 1600 feet (MSHA event # 6595381), resulting in a blast area of 2400 feet. (https://www.msha.gov/mnm-serious-accident-alert-surface-blasting)

6. For THE USE OF WARNING SIGNALS:

Whereas: Warning signals should be sounded before blasting is initiated, in keeping with:

- California law CCR 19, section 1568.5 which states that persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags, barricades, guards, or woven mats to ensure the safety of the general public.
- The best practices recommended by the International Society of Explosives Engineers (ISEE), *Blaster's Handbook*, 18th Edition, whose technical guidelines recognize flyrock as a serious hazard that can travel over 1,000 feet, requiring appropriate public notification.
- the California Surface Mining and Reclamation Act (SMARA), Public Resources Code § 2712(a) which requires that adverse environmental effects are prevented or minimized.

Whereas, most blasting-related injuries are caused by flyrock or failure to clear the blast area (the danger zone), accounting for 68% of all such incidents according to a study by the National Institute for Occupational Safety and Health. (NIOSH, T.S. Bajpayee et al., "Injuries from Flyrock and Lack of Blast Area Security in Surface Mines," 2004) Residents need general information about blasting safety, and they need to be warned at the time of the blast, so that they can go indoors or leave the area.

7. Other FINDINGS:

Whereas: Blasting can be disruptive to the lives of nearby residents, and as such, they are entitled to know the blasting schedule ahead of time, in keeping with:

- The California Constitution, Article 1, section 1, which states that all people have the inalienable rights of possessing and protecting property and seeking and obtaining safety.

• SDMC 126.0301 which states that the intent of the Conditional Use Permit is that each use be developed so as to fully protect the public health, safety, and welfare of the community."

• Council Resolution 258660, 6-16-83, which states that the facility would not adversely affect the neighborhood, the General Plan, nor the Community Plans and would not be detrimental to the health, safety and general welfare of persons living or working in the area.

Whereas: As of July 2025, the aggregate rock plant permit number is APCD2008-PTO-001572 and the conditions related specifically to blasting are conditions 6, 7, and 8. (Both the permit number and the conditions within the permit that pertain to blasting may change.)

Whereas: Permits should be kept on file and available for The City and the public to view upon request, in keeping with:

• The California Public Records Act (CPRA) which states that access to government records, which includes permits, is a fundamental and necessary right of every person in California.

Whereas: In Summary, Residents deserve protection from the facility's impacts.

Multiple regulations, as listed below and as previously cited in above paragraphs, state directly or indirectly that the neighboring community should be protected from impacts of the mining facility:

• The California Constitution, Article 1, section 1;

• CEQA – Public Resources Code § 21000(g); major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

• The San Diego General Plan, particularly CE-K.3, which directs to "Produce sand and gravel with minimal harm and disturbance to adjacent property and communities."

• The Navajo Community Plan;

• City Council Resolution R-258660;

• SDMC 126.0301, which states that the intent of the CUP is to fully protect the public health, safety, and welfare of the community.

• U.S. Bureau of Mines RI 8507;

• 30 CFR § 56.1—the purpose of which is the protection of life, the promotion of health and safety, and the prevention of accidents.

Therefore: All paragraphs a. through k. listed in the suggested modified condition should be incorporated into Condition 23 and adopted as part of the amended CUP 82-0611.

IMPACT for Blasting Safety:

- Measurements of ground vibrations and air blast pressure should always be taken as part of the blasting safety protocol. There is an expense involved. It should be considered part of the cost of doing business safely.
- The cost of setting up an email notification system and other notifications should be relatively minimal.
- Proximity to the quarry does not strip nearby residents of their right to a safe and healthy environment. Requiring the Operator to internalize the costs of their operations is a fair and lawful expectation tied to the right to operate in close proximity to homes.

TIMING for Blasting Safety: To begin when the CUP amendment is adopted.

[Return to TOC

Condition 24 (SAFEGUARDING INFRASTRUCTURE)

CONDITION 24 AS IT CURRENTLY APPEARS IN THE CUP:
24. All operations shall be conducted in a safe and sanitary manner, so as not to endanger/damage any adjacent public or private property. Particular attention shall be paid to safeguarding the trunk sewer and water transmission main traversing this and adjoining property.

RECOMMENDED CHANGES FOR CONDITION 24 (SAFEGUARDING INFRASTRUCTURE):
Add language to ensure safeguarding of the sewer trunk through subarea 'B.'

FINDINGS for Safeguarding Infrastructure: The sewer trunk extends through subarea 'B' and should be safeguarded in this subarea as well.

IMPACT for Safeguarding Infrastructure: Ensures that the sewer trunk will be protected throughout the entire area within the CUP boundaries as well as adjoining properties.

TIMING for Safeguarding Infrastructure: Infrastructure should be safeguarded effective immediately.

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Condition 25 (ADEQUATE LIABILITY INSURANCE)

CONDITION 25 AS IT CURRENTLY APPEARS IN THE CUP:
25. The Permittee, or its successors in interest, shall obtain a comprehensive policy of liability insurance which names The City of San Diego as co-insured and indemnifies the insured against claims of liability for damages to adjacent properties or the general public which result from explosions, slope failure, or flood damage which originates from, or are caused by, work on the property. The policy shall provide for a minimum property liability of $2,000,000 and a minimum personal liability of $5,000,000 and shall be carried, in force, as long as this permit is in effect.

RECOMMENDED CHANGES FOR CONDITION 25 (ADEQUATE LIABILITY INSURANCE):
Ensure the indemnification amounts required by this condition are sufficient.

FINDINGS for Adequate Liability Insurance:

Dollar amounts and risk should be reviewed for inflation and on-site changes since 1990. Especially since the advancement of extraction activities has nearly reached its limit in some areas, revealing adverse geologic conditions in a way that was indeterminable in 1990. Moreover, the occurrence of landslides perhaps causing damage to underground structures, the river, and encroachment concerns with adjacent Navy properties all suggest a thorough review of risk to the applicant and The City is prudent. Likewise, there is evident concern from SMARA lead agency inspectors and other city personnel that the FACE calculations for the mine are insufficient.

IMPACT for Adequate Liability Insurance: This will give the City additional/needed liability protection.

TIMING for Adequate Liability Insurance: This should begin immediately.

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Condition 28 (FINAL RECLAMATION)

CONDITION 28 AS IT CURRENTLY APPEARS IN THE CUP:

28. That the ultimate reclamation of the property be in accordance with the adopted Progress Guide and General Plan, and the adopted Navajo Community Plan (subject to future revisions). Reclamation shall be done in general conformance with the approved Master Reclamation Plan which will be accomplished in phases. Each phase shall be reviewed and approved by the Planning Department prior to final reclamation of subareas. The ultimate reclamation objectives are as follows:

a. In the quarry areas, the final excavation slopes will be in a condition certified by a qualified soils engineer to be stable and safe. Permanent security type fence will provide protection against public access to slope area. The floor of the quarry areas outside of the floodway of the San Diego River will be cleared of loose material and generally level.

b. In the floodplain fringe, excavated areas that are designated in the Navajo Community Plan for future light industrial use will be used as interim disposal sites for overburden and fill material generated in the processing of natural resources. This continuing fill operation will be limited to areas outside of the floodway and will be conducted in a manner that will keep all interim slopes to less than 5:1 and maximum fill elevation no greater than 10 feet above 100-year-flood elevation. Prior to performing any filling northerly of the existing private service road as shown on the site layout plan, APPENDIX A, the Permittee must have obtained approval of The City Engineer as to the location and physical configuration of the levee, dike, or embankment that will confine the floodway.

The ultimate reclamation will have raised the elevation of future light industrial land above 100-year-flood elevation. Prior to completion of filling in any portion of the floodplain, a grading plan will be submitted for approval of The City Engineer, and accomplished grading will conform to such approved plan.

c. In the floodway area, the sand excavation areas will be left as interim ponds that will be allowed to refill with sediment. The embankment, dike, or levee protecting the light industrial area will be protected by rip-rap.

d. At the time of each five-year review of the conditional use permit by the Planning Commission, a precise reclamation plan, including landscaping, will be submitted for those areas in which the mining operations and interim filling operations are expected to be completed during the ensuing five-year period. An environmental analysis of the precise reclamation plans shall be completed prior to review by the Planning commission.

RECOMMENDED CHANGES FOR CONDITION 28 (FINAL RECLAMATION):

28. The final reclamation and end use development of the property will be in accordance with the guiding principles and objectives of all state and local established and approved plans, including but not limited to: The General & Community Plans, The City Master Plans for Parks, Bicycles, and Pedestrians, the Multiple Species Conservation Program Subarea Plan, and the San Diego River Watershed Urban Runoff Management Plan (subject to future revisions). Reclamation of subareas A and B shall be done in general conformance with the approved Master Reclamation Plan which will be continuously accomplished in phases, until final reclamation for further end uses is performed. A phased management plan outlining goals and objectives for each year of each specific 5-year reclamation plan, including environmental monitoring goals, shall be submitted as part of the specific 5-year reclamation plan. Specific 5-year reclamation plan application reviews shall be publicly noticed with appropriate comment periods, be subject to environmental reviews, and approved by the Planning Department prior to review by the Planning Commission. A specific 5-year reclamation plan will be submitted as part of this CUP amendment. Failure to submit specific 5-year reclamation plans will be considered a breach of the CUP. The reclamation objectives are as follows:

a) Renewal of street easements along the North side of Mission Gorge Rd., from the 7200 block to the intersection of Princess View Rd., will include a planting of canopy trees of a type approved

in the Navajo Community and San Diego River Park plans for this area. Planting to be completed within 180 days of approval of this CUP amendment. Tree frontage shall be calculated at the average rate of one 24-inch box canopy tree for every 30 feet of frontage. Plantings will be irrigated, protected from wildlife, and maintained to promote growth and proper shape. Failed plantings will be replaced within 90 days. Street tree plantings on Mission Gorge Rd. are in addition to plantings required for screening in condition 30 and are intended to remain in place as part of the final reclamation. Street trees will be planted in locations that accommodate future widening of Mission Gorge Rd. to a 6 Lane Urban Major roadway per the Streets Manual paragraph 1.6.3 (figure 1-31). In locations where planting is not possible (due to underground infrastructure or the frontage road for example), street tree planting will occur during final reclamation and redevelopment.

b) Reclamation of the San Diego River 100-yr. floodway previously disturbed by mining activities within the length of subarea 'B' to be initiated as soon as possible per the approved 5-year specific reclamation plan submitted as part of this CUP amendment, such reclamation shall conform with standards set forth in the California Code of Regulations, Title 14, Division 2, Chapter, Subchapter 1, Article 9, including:

   i) Achievement of annual objectives for reclamation and environmental monitoring milestones in this area will be inspected and measured as part of the lead agency's annual inspection. As the inspection area is large, the lead agency inspector will be accompanied by at least two people in accordance with SDMC §141.1006 (h).

   ii) Surface and groundwater shall be protected from siltation and pollutants which may diminish water quality as required by the Federal Clean Water Act, sections 301 et seq. (33 U.S.C. section 1311), 404 et seq. (33 U.S.C. section 1344), the Porter-Cologne Act, section 13000 et seq., County anti-siltation ordinances, the Regional Water Quality Control Board and city ordinances.

   iii) Remove exotic and invasive, non-native species and replace them with native plant materials. (See APPENDIX A of the San Diego River Park Master Plan, for a list of recommended plant materials for the River Corridor Area.)

   iv) Rehabilitate lands identified as Federal Waters and wetlands, including the river channel, to encourage meander and braiding by removing channel vegetation, increasing coarse sediment supply, promoting bank erosion, and mitigating ecological disruption.

   v) Extraction of sand and gravel from river channels shall be regulated to control channel degradation in order to prevent loss of spawning habitat, destruction of riparian vegetation, and increased stream bank erosion (exceptions may be specified in the approved reclamation plan).

   vi) Changes in channel elevations and bank erosion shall be evaluated annually using records of annual extraction quantities and benchmarked annual cross sections and/or sequential aerial photographs to determine appropriate extraction locations and rates.

   vii) Any wetland habitat impacted as a consequence of surface mining operations shall be mitigated at a minimum of one-to-one ratio for wetland habitat acreage and wetland habitat value.

   viii) Where natural drainages were covered, restricted, rerouted, or otherwise impacted by surface mining activities, mitigating alternatives shall be proposed and specifically approved in the reclamation plan to assure that runoff shall not cause increased erosion or sedimentation.

   ix) Where river diversions were constructed, they shall be removed, all temporary stream channel diversions shall be removed and the affected land reclaimed in accordance with any agreements and the requirements of the Federal Clean Water Act, Sections 301 (33

U.S.C. 1311) and Section 404 (33 U.S.C. 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

x) Remove or circumvent obstacles that impede river flow; discourage the formation of ponds which may invite further infestation by non-native plant species in still water conditions.

xi) Encourage habitat corridors that may serve as gateways to side canyons and tributaries.

xii) Where backfilling is required for resource conservation purposes (e.g., fish and wildlife habitat), or to ensure flooding protection, fill material shall be backfilled to the standards required for the resource conservation use involved.

xiii) Piles or dumps of mining waste shall be stockpiled in such a manner as to facilitate phased reclamation. They shall be segregated from top-soil and top-soil substitutes, or growth media salvaged for use in reclamation.

xiv) Where activities have resulted in compaction of the soil, ripping, disking, or other means shall be used in areas to be revegetated to eliminate compaction and to establish a suitable root zone in preparation for planting.

xv) Planting shall be conducted during the most favorable period of the year for plant establishment.

xvi) Soil stabilizing practices shall be used where necessary to control erosion and for successful plant establishment. Irrigation may be used when necessary to establish vegetation.

xvii) Soil analysis shall be required to determine the presence or absence of elements essential for plant growth and to determine those soluble elements that may be toxic to plants if the soil has been chemically altered or if the growth media consists of other than the native topsoil. If soil analysis suggests that fertility levels or soil constituents are inadequate to successfully implement the revegetative program, fertilizer or other soil amendments may be incorporated into the soil. When native plant materials are used, preference shall be given to slow-release fertilizers, including mineral and organic materials that mimic natural sources, and shall be added in amounts similar to those found in reference soils under natural vegetation of the type being reclaimed.

xviii) If irrigation is used, the operator must demonstrate that the vegetation has been self-sustaining without irrigation for a minimum of two years prior to release of the financial assurances by the lead agency, unless an artificially maintained landscape is consistent with the approved end use.

xix) Failed plantings will be replaced within 90 days.

xx) Emphasis will be given to a natural planting pattern of indigenous canopy trees on the floodplain fringe to encourage soil retention and micro-habitats for wildlife - these trees are intended to remain in place as part of the final reclamation and provide shade along potential future developments (such as bike or walkways.)

xxi) Noxious weeds shall be managed:

(1) When they threaten the success of the proposed revegetation;

(2) To prevent spreading to nearby areas; and

(3) To eliminate fire hazards.

c) In subarea 'B' outside of the 100-yr. Floodway, reclamation will begin as described in the approved reclamation plan.

d) During Final Reclamation

i) In subarea 'A,' the quarry and processing areas, the final excavation slopes will be in a condition certified by a qualified soils engineer to be stable and safe. A permanent security

type fence will provide protection against public access to slope area. The floor of the quarry areas outside of the floodway of the San Diego River will be cleared of loose material and generally level.

ii) In subarea 'A,' a reclamation of the 100-yr floodway will be performed as is required in subarea 'B'.

iii) In the floodplain fringe, excavated areas that are designated in the Navajo Community Plan for future light industrial use will be used as interim disposal sites for overburden and fill material generated in the processing of natural resources. This continuing fill operation will be limited to areas outside of the floodway and will be conducted in a manner that will keep all interim slopes to less than 5:1 and maximum fill elevation no greater than 10 feet above 100-year--flood elevation. Prior to performing any filling northerly of the existing private service road as shown on the site layout plan, (Appendix "A"), the Permittee must have obtained approval of The City Engineer as to the location and physical configuration of the levee, dike, or embankment that will confine the floodway. The ultimate reclamation will have raised the elevation of future light industrial land above 100-year-flood elevation. Prior to completion of filling in any portion of the floodplain, a grading plan will be submitted for approval of The City Engineer, and accomplished grading will conform to such approved plan.

e) In the floodway area, the sand excavation areas will be left as interim ponds that will be allowed to refill with sediment. The embankment, dike, or levee protecting the light industrial area will be protected by riprap.

i) Prior to closure, all access roads, haul roads, and other traffic routes to be reclaimed shall be stripped of any remaining road base materials, prepared in accordance with subsection 14 CCR 3705(g), covered with suitable growth media or topsoil, and revegetated.

FINDINGS for Final Reclamation:
Supporting arguments for revision of condition 28 are the same as those for condition 5.

References such as the San Diego River Park Master plan and others mentioned in the text of the amended condition were used in developing the new and amended portions of the revised condition. The following state regulations were also quoted in sections b) i.) through b) xxi.:

T14 CCR, D2, C8, SC1, Art. 9, § 3703 Performance Standards for Wildlife Habitat.

T14 CCR, D2, C8, SC1, Art. 9, § 3704 Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring.

T14 CCR, D2, C8, SC1, Art. 9, § 3705 Performance Standards for Revegetation.

T14 CCR, D2, C8, SC1, Art. 9, § 3706 Performance Standards for Drainage, Diversion Structures, Waterways, and Erosion Control.

T14 CCR, D2, C8, SC1, Art. 9, § 3710 Performance Standards for Stream Protection, Including Surface and Groundwater.

IMPACT for Final Reclamation: Performance of reclamation conditions of this CUP will contribute greatly to the appearance and health of the Navajo Community, the health of the SD River and its associated ESL's and MHPA's. There will be costs associated with performance of reclamation conditions that were not being performed as required in prior years. Diligent care, efficient planning, and meticulous attention to processes should ensure that these costs will not need to be repeated again. After initial reclamation efforts and when new plants have been established, the cost should significantly decrease. Final reclamation costs will potentially be

less as interim reclamation will have resulted in the need for less reclamation upon closure of the facility. No impact to city staff is anticipated as annual mine inspections, annual Planning Department and Planning Commission reviews, and 5-year reclamation reviews are already required by state laws, prior council resolutions and established municipal codes.

TIMING for Final Reclamation: Implementation will begin immediately following the Planning Commission's review and approval a 5-year Specific Reclamation Plan.

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Condition 30 (LANDSCAPE BUFFER EAST OF PRINCESS VIEW DRIVE)

CONDITION 30 AS IT CURRENTLY APPEARS IN THE CUP:

30. A LANDSCAPE BUFFER OF EUCALyptus trees or similar drought resistant plant material will be planted in the 100-foot buffer zone south of Tierrasanta, along the trail easement, to dampen sound and screen the quarry operation from the Tierrasanta community. In addition, a landscape buffer of oleander or similar drought-resistant plant material will be planted on the north side of Mission Gorge Road between Princess View Drive and Margerum Avenue sufficient to screen the quarrying and processing operations from Mission Gorge Road. The latter screening will be similar to the landscape buffer that screens the Hazard operation from Friars Road.

COMMENDED CHANGES FOR CONDITION 30 (LANDSCAPE BUFFER EAST OF PRINCESS VIEW DRIVE):

30. A landscape buffer of eucalyptus trees or similar drought resistant plant material will be planted in the 100-foot buffer zone south of Tierrasanta, along the trail easement, to dampen sound and screen the quarry operation from the Tierrasanta community. In addition, a landscape buffer of oleander or similar drought-resistant plant material will be planted on the north side of Mission Gorge Road between Princess View Drive and Margerum Avenue, sufficient to screen the quarrying and processing operations from Mission Gorge Road.

a. This plant barrier shall be properly maintained to keep it healthy, attractive, free of fire hazards, and to prevent it from growing into the space over/onto Mission Gorge Road.
b. Dead branches and other debris from the ground will be carefully removed, not dragged, to prevent erosion.
c. Erosion will be promptly repaired.
d. This plant barrier shall be properly maintained to keep it healthy, attractive, free of fire hazards, and to prevent it from growing into the space over/onto Mission Gorge Road.
e. Dead branches and other debris from the ground will be carefully removed, not dragged, to prevent erosion.
f. Erosion will be promptly repaired.
g. Dead plants will be promptly removed and replaced with new plants, at least 3 feet high, from soil to tip.
h. Plants will be adequately watered at least once a week, the first season after planting, from April 15 through November 15.
i. The Permittee shall inspect the landscape buffer on Mission Gorge Road every six months. A report of the condition of the landscape buffer shall be submitted to The City within a week after each inspection.

FINDINGS for Landscape Buffer, East of Princess View Drive:

Whereas: The following regulations and policies support having a landscape buffer on Mission Gorge Road to screen the quarrying and processing operations from Mission Gorge Road:

Whereas: Mission Gorge Road industrial development should be properly screened with landscaping and other suitable means. The area should be made presentable to the community and motorists on Mission Gorge Road because of its importance as an entry to the community, the Old Mission, and Mission Trails Regional Park. (Navajo Community Plan: Mission Gorge Road Route, Landscaping)

Whereas: The appearance of public and private special use properties such as mineral extraction operations should be improved. (Navajo Community Plan: Community Environment, Buildings-Structures)

Whereas: Nuisances to adjacent uses should be minimized through the screening of unaesthetic land uses. (Navajo Community Plan: Community Environment, Buildings-Structures)

Whereas: Grading, landscaping standards and control of hillside cuts should all be improved. This should have immediate implementation. (Navajo Community Plan: Implementation, Community Environment, A.)

Whereas: The Mission Gorge Road industrial development should be screened. This should have immediate implementation. (Navajo Community Plan: Implementation, Community Environment, A.)

Whereas: All operations shall be conducted in a safe and sanitary manner, so as not to endanger/damage any adjacent public or private property. (Condition #24, CUP 82-0611)

Whereas: The proposed use (as a natural resources facility) would not adversely affect the neighborhood, the General Plan nor the Community Plans and would not be detrimental to the health, safety and general welfare of persons living or working in the area. (Council Resolution 258660, 6-16-83)

Whereas: Screening along Mission Gorge Road has been a problem since this operation was granted a CUP and the community is tired of it.

Whereas: As stated in the opening statements, guiding principles of this review must incorporate effective screening along Mission Gorge Road. That this issue (screening and appearance along this road) has been a condition of the CUP since 1983 and been the focus of cleanup programs, community complaints, and included as notations of possible CUP violations in city inspection reports, shows that the applicant is not complying with relevant CUP conditions and is not being a good neighbor as it relates to this condition.

Whereas: SDMC §142.1160 Outdoor Activity Regulations for Industrial Zones is germane and is not being complied with.

Therefore, The landscape barrier along Mission Gorge Road should be repaired/implemented as soon as possible and maintained as long as there are mining and processing operations at the facility.

IMPACT for Landscape Buffer, East of Princess View Drive: Screening of the facility's operations will contribute greatly to the appearance of the Navajo Community. There will be a larger initial cost to replace the plants that have died. Good care should ensure that the initial cost will not need to be repeated again. After new plants have been established, the cost should significantly decrease.

TIMING for Landscape Buffer, East of Princess View Drive: The landscape barrier should have been well established already. Remedial and maintenance work should both begin immediately.

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Condition 31 (PROPERTY UPKEEP, REMOVAL OF OLD EQUIPMENT)

CONDITION 31 AS IT CURRENTLY APPEARS IN THE CUP:

31. All of the subject property shall be maintained at all times in a neat, orderly fashion, free of junk, litter and debris.

RECOMMENDED CHANGES FOR CONDITION 31 (PROPERTY UPKEEP, REMOVAL OF OLD EQUIPMENT):
31. All of the subject property shall be maintained at all times in a neat, orderly fashion, free of junk, litter and debris. Mine waste, in the form of mining equipment which is no longer serviceable may not be stored in subarea 'B' and must be permanently removed.

FINDINGS Property Upkeep, Removal of Old Equipment: Currently there is considerable storage of mining equipment (conveyers) that is no longer serviceable, creating an unsightly appearance along Mission Gorge road. Likewise, as discussed in condition 37, there is mining equipment in the western part of subarea 'B' that is visible.

IMPACT for Property Upkeep, Removal of Old Equipment: This will improve the appearance of Mission Gorge Road and the community and should be considered part of the normal cost of doing business.

TIMING for Property Upkeep, Removal of Old Equipment: This should begin Immediately.

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Condition 37 (SCREENING, WEST OF PRINCESS VIEW DR.)

CONDITION 37 AS IT CURRENTLY APPEARS IN THE CUP:
37. All equipment and materials (exclusive of a current operation) stored in Subarea 'B' must be screened from all views. The storage facility must be reviewed by the Planning Department during the design and prior to construction or submission for a building permit. There shall be no storage of vehicles at any time.

RECOMMENDED CHANGES FOR CONDITION 37 (SCREENING, WEST OF PRINCESS VIEW DR.):
37. The Conditional Use Permit (CUP) area that fronts Mission Gorge Road, from 7200 Mission Gorge Road to the intersection at Princess View Drive, shall be screened from all views from the Navajo community. The screening shall be attractive, visually integrated into the surrounding area, and shall not consist of chain-link fencing with attached screening material or similar screening devices.

(The section of Mission Gorge Road addressed by condition 37 is distinct from the portion of Mission Gorge Road from Princess View Drive to Margerum Avenue, which is addressed by Condition 30, although the purpose of both is to aesthetically screen the operations of the facility.)

The screening shall be generally consistent with the design principles and landscaping goals of the Navajo Community Plan for Mission Gorge Road, but may require adjustments to the height, density, or type of plantings in order to completely obscure operational activities from view. Berms may be incorporated into the design if they are aesthetically compatible with the rest of the screening barrier. Vehicle storage is prohibited in Subarea 'B' at all times.

FINDINGS for Screening, West of Princess View Dr.:

Whereas, The Mission Gorge Rock Quarry Subcommittee has found no evidence that the storage facility referenced in Condition 37 exists, and no documentation or plans describing such a facility have been provided to the Subcommittee as of July 2025; accordingly, the reference has been removed from the revised condition.

Whereas, the appearance of the Navajo community is important to community members, who have the right under the California Constitution, article 1, to protect their property, including its resale value.

Whereas, keeping the community streets visually pleasing and screening the operations of the facility from the view of the community is in keeping with language of the CUP as well as the Navajo Community Plan.

IMPACT for Screening, West of Princess View Dr.: Screening in general has been required all along, so the overall additional expenses should not be that great. Had the plantings been kept up, as they should have been, there would be less additional expense.

TIMING for Screening, West of Princess View Dr.: The items mentioned in condition 37 are long overdue. Work should begin now and continue until the final result has been completed.

APPENDICES begin on next page…

APPENDICES

APPENDIX, CONDITION 10: SOME IMPACTS TO THE COMMUNITY

Cloud of Dust Hanging Over Superior Ready Mix & Drifting Over Neighborhood
Mariposa
Allied Gardens
Superior Ready Mix
Mission Gorge Road
Aerial view taken by private pilot. View is looking eastward from over Admiral Baker Golf Course. Oct 2017

Above: Fugitive dust is a major complaint of nearby residents. Dust is generated in all areas of the facility. Blasting is one of the main sources of dust.

While some of the dust created by a blast falls back to the ground (only to be disturbed again later), a portion of the dust drifts with the wind currents. Below, dust can be seen drifting eastward (to the camera's right).

The blast below (April 2025) is about 2,000 feet away from Mariposa. The blast site is on the west side of the quarry, north of the San Diego River.

Condition 10 would bring **blasting, and the resulting dust, as close as 275 feet** from residences in Mariposa.

For perspective, notice the haul trucks next to the blast. The vertical quarry wall is about 150 ft high.

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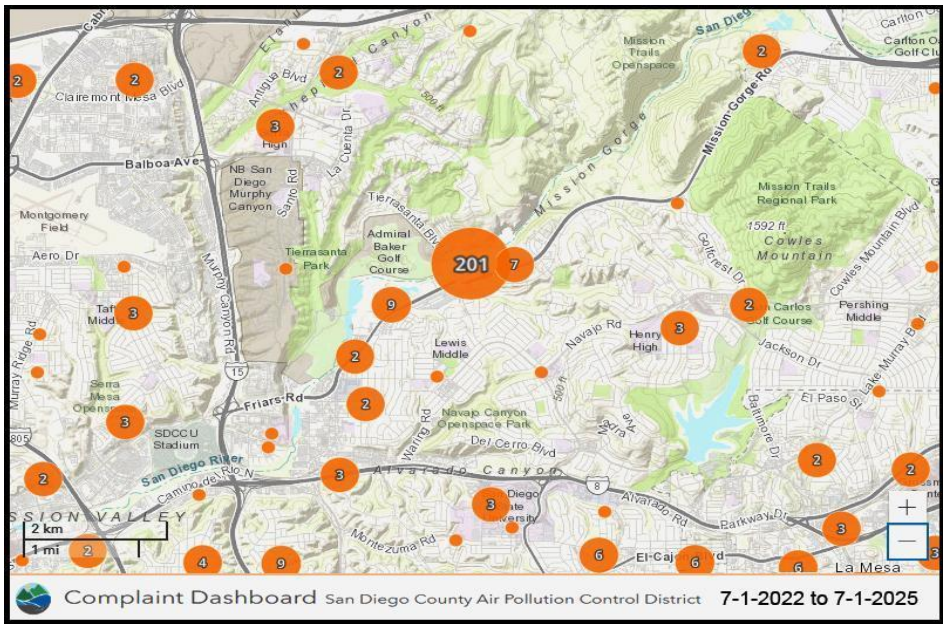
Fugitive dust builds up in the facility and then is tracked out onto Mission Gorge Road by the tires of trucks.

Left: In August 2023, tracked out dust had built up so badly on Mission Gorge Road where the trucks exit the facility that 17 piles of dust were shoveled out of the gutters on Mission Gorge Road and put on the median strip where the dust could be picked up for proper disposal.



Left: This diagram from the Air Pollution Control District's (APCD) website shows the distribution of air quality complaints received by the APCD in the Navajo and Tierrasanta area over the last three years.
The circle in the center of the diagram with 201 complaints is for the Superior Ready Mix facility on Mission Gorge Road.

Almost all of the 201 complaints are about odor and dust.

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APPENDIX, CONDITION 10: ADDITIONAL IMPACTS TO THE COMMUNITY

FLYROCK LANDS IN TIERRASANTA, 2014

A fly rock condition occurred at the southwest corner of the quarry on 8-21-2014 at 13:00. This condition sent clay flying into the adjacent Tierrasanta neighborhood approximately 1600 feet to the north, damaging four neighboring homes. No injuries were reported, but if a person had been struck the blow would likely have been fatal. *(MSHA citation # 8698481, 2014)*

FLYROCK LANDS IN MARIPOSA, 1985

In 1985, a flyrock the size of a large boulder struck 3639 Mission Mesa Way, one of the homes in the Mariposa complex. The owner was frightened and moved away. This incident was never reported to the MSHA, but close-by neighbors confirmed the incident.

A 700,000-TON ROCKSLIDE CONSTRICTS THE SD RIVER, 2002

In 2002, blasting caused a 700,000-ton rockslide on the north side of the San Diego River, constricting the river channel, affecting river hydraulics, with the potential of jeopardizing the integrity of the 42-inch diameter sewer line at the bottom of the river. (City of San Diego, SCH # 2002068278)

823 COMPLAINTS MADE TO THE APCD, 2013-2024

823 complaints about Superior Ready Mix, 7500 Mission Gorge Rd, were received by the San Diego Air Pollution Control District (APCD) from 2013 to February 2024. View complaints at SDAPCD Complaint Dashboard. (https://gis-portal.sandiegocounty.gov/arcgis/apps/dashboards/f1f548c93c1b44eeb289b4daa0bec5df)

DAMAGES FROM BLASTING, DUST, NOISE: LONG-STANDING ISSUES

Notes from a mediation meeting on 2-27-2003 listed concerns about air quality, noise from trucks, time of operations, damage from blasts, dust in homes, track-out sediment on Mission Gorge Road, and increase in number and speed of trucks.

DAMAGES TO HOME FROM BLASTING

There is documented evidence that homeowners have received compensation from the operator of the facility for possible damage to their homes.

Damages to homes may remain under-reported (1) because of non-disclosure agreements and (2) very importantly, there seems to be an encouraged climate of reluctance to voice concerns about blasting, perhaps for fear of legal action or lowered property values. This may be understandable, but it doesn't help to get to the source of the problem.

The 1980 U.S. Bureau of Mines Report of Investigations 8507 (Siskind et al.) is often used as a guideline for assessing the impact of blasting vibrations on structures from a single blast**.** Homes next to the quarry are exposed to repetitive blasting year after year and the effects are cumulative.
The probability of damage to a home may be relatively small in any single blasting event. However, the more times a home is subjected to blasting, the more opportunities there are for damage, and ultimately it is likely that some damage will occur. (Dr. Sam Kiger, University of Missouri, Miller Paving Ltd. v. McNab/Braeside (Township)) The more a structure is exposed to blasting, the higher the percentage becomes that there will be damage.

Despite the fact that residents in Allied gardens complain of severe blasting vibrations, there are no seismic meters in Allied Gardens to measure vibrations from the blasting.

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APPENDIX, CONDITION 10: BLASTING AND FLYROCK – ADDITIONAL INFORMATION

SOME FACTS ABOUT FLYROCK

A quarry that has had an occurrence of flyrock is more likely to have another occurrence. (Trivedi, Singh and Raina,2014)

While safety protocols can *mitigate* some risks, they do not *eliminate* the risks.

BLASTING IS NEVER COMPLETELY PREDICTABLE.

The Earth's subsurface is a complex, heterogeneous mix of materials—soils, rocks, faults, voids, fractures and moisture—making each blast unique and its outcomes uncertain. (ISEE Blaster's Handbook, 18th ed., 2011)

A VAST AMOUNT OF ENERGY IS RELEASED IN BLASTING.

When that energy is released, *it must go somewhere.* If it does not go exactly where it is intended, the consequences can be catastrophic. In the case of flyrock, the misdirected energy can send flyrock hundreds of feet through the air, crack foundations, or trigger landslides. In densely populated areas, there is no margin for such error.

Mine Safety and Health Administration (MSHA). (2016, March 24) (Flyrock Dangers & Best Practices. Retrieved from https://www.msha.gov/news-media/announcements/2016/03/24/flyrock-dangers-best-practices), (National Institute for Occupational Safety and Health (NIOSH). (2007). Blast Area Security: Flyrock Safety (DHHS Publication No. 2007–112, Retrieved from https://www.cdc.gov/niosh/docs/mining/UserFiles/works/pdfs/2007-112.pdf))

THE RISK OF FLYROCK IS LOW. WHY NOT JUST ACCEPT IT?

"Low probability" Is Not "No risk"—and the Consequences Are Severe

The fact that flyrock incidents are rare makes them no less dangerous. When they do happen, they can be fatal or cause significant property damage. (North American Mining, MSHA reports 10th fatality, March 20, 2025)

With flyrock, one time is one time too many. The rarity of an event doesn't justify the risk—especially when the consequence is death.

THE SETBACK IS THE BUFFER FOR WHEN OTHER THINGS GO WRONG.

The setback is a constant in a process defined by unpredictability. That reliability is exactly why the setback is a cornerstone of blasting safety. (MSHA, Blasting Safety, 2005; Best Practices for Flyrock, 2005).

If blasting is planned using the appropriate setback for the worst-case scenario, then even if every other safeguard fails, flyrock should not escape the boundaries of the site. It is this immovable margin of safety that must be respected above all else. That's why an adequate setback distance is so important. (Sevelka, Tony. "Property Value Impacts Occasioned by Aggregate Extraction Operations." Journal of Environmental Law & Policy 2, no. 3 (2023): 1–78)

CAN A GOOD BLASTING RECORD REDUCE THE NEED FOR THE RECOMMENDED SETBACK?

• **No one—not even the current operator—can claim immunity from the unexpected** or can perfectly predict unforeseen subsurface conditions. (ISEE Blasters' Handbook, 18th Ed.)

• **Safety is enhanced by the blaster's expertise, but the risk is not eliminated by good technique**—it is only reduced. (MSHS Safety Services, Inc., Understanding and Preventing Blasting Incident, 2025, https://mshasafetyservices.com/understanding-and-preventing-blasting-incidents-safety-protocols-and-procedures/, as retrieved 6-7-2025)

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APPENDIX, CONDITION 10: VIBRATIONS - ADDITIONAL INFORMATION

The 1980 U.S. Bureau of Mines Report of Investigations 8507 (Siskind et al.) is a well-respected study on the effects of vibrations from blasting. It is often used as a guideline for assessing the impact of blasting vibrations on structures from a single blast. This threshold is defined, in this report, as a 5% probability of cosmetic damage from a single blast. Homes next to the quarry are exposed to repetitive blasting year after year and the effects are cumulative.

The sources below collectively highlight the complexities and potential shortcomings in relying solely on RI 8507 for assessing the impact of blasting vibrations on structures. They emphasize the need to consider cumulative effects, construction variability, and the often-hidden nature of damage when evaluating the safety and impact of blasting activities near residential areas.

Dr. Sam A. Kiger, a major contributor to the understanding of the explosive environment, is an internationally recognized expert in explosion effects and blast-resistant structural design.

•Factors such as repeated blasting, soil conditions, building materials, and structural vulnerabilities can contribute to damage even when vibration levels remain below the stated threshold.

•Threshold damage is not readily visible to the homeowner and often requires the use of special lighting and magnifying lenses to be seen. (Heidelberg Materials, www.heidelbergmaerials.us, viewed 2-11-2025)

•The probability of damage to a home may be relatively small in any single blasting event. However, the more times a home is subjected to blasting, the more opportunities there are for damage, and ultimately it is likely that some damage will occur. (Dr. Sam Kiger, University of Missouri, Miller Paving Ltd. v. McNab/Braeside (Township)) It's like a lottery ticket. You may have 5 % chance of winning with one ticket. If you buy 20 tickets, your chances are a lot higher. So, it is with blasting. The more a structure is exposed to blasting, the higher the percentage becomes that there will be damage.

• All homes have natural changes (for example, sometimes a door sticks but at other times it does not). Existing natural stresses can combine with the stresses from blasting to put a strain on the house that can cause damage beyond what would be caused by blasting alone. (Sam Kiger)

• Once there is damage, even very slight damage, it is much easier for that damage to expand with further blasting. (For example, consider how sturdy a windshield is. But once it gets even the slightest ding or crack, it takes very little extra stress for the crack to rapidly expand. Once the structural integrity of an object is damaged, even very slightly, it is much easier for that slight damage to grow. (Sam Kiger)

• "Thus, even low levels of repeated occurrences of blast-induced ground vibrations can cause significant damage to a home over time." (Kiger, Fontaina Scott v. Mountaineer Grading Co.) and (Heidelberg Materials, www.heidelbergmaerials.us, viewed 2-11-2025)

•The damage threshold values can vary with the type of construction or can result from the distance the vibration is traveling. Long blast-to-residence distances can be more damaging than short distances. (vibrationmonitoringcourse.com [Return To Appendix Table [Return to Condition 10

APPENDIX, CONDITION 10: SUBSOIL COMPOSITION

SUBSOIL COMPOSITION MAY INCREASE BLASTING RISKS

The subsoils that underlie the quarry may create hazardous blasting conditions. The subsoils are potentially unstable. "The project site is rated BC and C, indicating the potential for unstable geological soils conditions" with:

1) potential slope instability and slide-prone formations; and
2) liquefaction of loosely consolidated alluvium in the San Diego floodplain.
3) The seismic study also locates an off-site concealed fault paralleling the property and following Mission Gorge Road. (Initial Study, EQD No. 82-0611, 1983)

The subsoils within the quarry area have the potential for producing flyrock, rockslides, and resulting slope instability; the Mission Gorge Fault that mainly runs parallel to Mission Gorge Road, crosses into the CUP 82-0611 property near the concrete and asphalt plants; the soils under the proposed future mining area may have significant clay content. (Department of Conservation Special Report 217, 2012)

Flyrock and rockslides—once labeled as potential threats—are currently documented realities with two flyrock incidents (1985 and 2014) and a significant blasting related landslide in 2002. (See Appendix, Condition 10: Additional Impacts to the Community)

Hitting an undetected clay seam was the direct cause of the flyrock incident of 2014. *(MSHA citation # 8698481)* Soft clay seams that may be hidden within the rock contrast sharply with the high quality hard blue rock Mission Gorge is known for, and can cause clay to be forcefully expelled from the rock if energy is accidently misdirected. The fact that the rock is so hard (which is good commercially) means that more energy is required to blast it from the mountain. However, if that increased energy is accidentally diverted into a clay seam, the clay seam will explode more violently with that increased amount of energy (Navajo Community Plan 2015, Physiography)

Subsoil studies indicate that hidden clay seams within otherwise hard rock formations contributed to past blasting impacts—including the 2014 flyrock incident documented by MSHA, which concluded that breaching a clay seam was the direct cause of the flyrock event.

These subsurface conditions have remained unchanged since 1983 (and probably long before) when CUP 82-0611 was adopted; and these subsoil conditions are unlikely to change in the foreseeable future, meaning the underlying risks will still persist.

The regulations must be updated to reflect the realities of these unchanging geologic hazards. Safety must come first. (MSHA, Serious Accident Alert – Surface Blasting, 2014) Accordingly, blasting should not be permitted south of the San Diego River, where risks remain high and setbacks are insufficient.

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APPENDIX, CONDITION 23: RECOMMENDED SETBACK DISTANCES

Overall, very few jurisdictions actually have predetermined setback distances, although experts in the industry are calling attention to this need.

The MSHA's recommended best practice: If a quarry has had a flyrock incident, calls for a minimum of 1.5 times the greatest distance a flyrock has traveled. For example, the flyrock incident at the Mission Gorge Quarry traveled 1600 feet, so future setbacks for this quarry should be 2400 feet (1.5 times 1600 feet). (https://www.msha.gov/mnm-serious-accident-alert-surface-blasting)

The National Mining Association (NMA): The official association of the extraction industry, (not a government organization) maintains the *minimum* safe distance for employees of blasting companies is **500 feet** from the blast site. This distance does not take into account any extraordinary site conditions. Arguably non-employees (such as residents) are afforded the same protection. Vulcan Materials Company is a member of the NMA. (NMA, COREsafety initiative)

Tierrasanta: In this CUP 82-0611, condition 9, Tierrasanta has a 500-foot setback for homes. However, it was not sufficient distance to protect the 4 homes damaged in the 2014 flyrock incident.

The City of Palm Springs has adopted a clear and protective 2,640 ft standard: "Quarry operations shall not be closer than one-half (½) mile [2,640 feet] from any residential zone and not closer than 100 feet to any property line." (Palm Springs Municipal Code §93.23.00) Most California municipalities have not adopted official set-back distances. The City of Palm Springs is a notable exception:

Other jurisdictions are starting to mandate minimum setbacks:

- **Nova Scotia, Canada** – 2,400 ft / 800 m (*Pit and Quarry Guidelines*, 1999)
- **New Brunswick, Canada** – 1,800 ft / 600 m (*Rock Quarry Siting Standards*, Dept. of Environment)
- **Quebec, Canada** – 1,800 ft / 600 m (*Publications Quebec*, Q-2, r.7)
- **India (Maharashtra)** – 1,500 ft / 500 m (*Siting Criteria*, Maharashtra Pollution Control Board)
- **Malaysia** – 1,500 ft / 500 m (*Environmental Requirements: A Guide to Investors*, 2010, App. G)
- **Victoria, Australia** – 1,500 ft / 500 m (Gill Higgins, *Fair Go*, June 22, 2020)

Compiled in Tony Sevelka, "The Impact of Blasting Quarries & the Need for Adequate Setbacks' (Nov. 17, 2020)

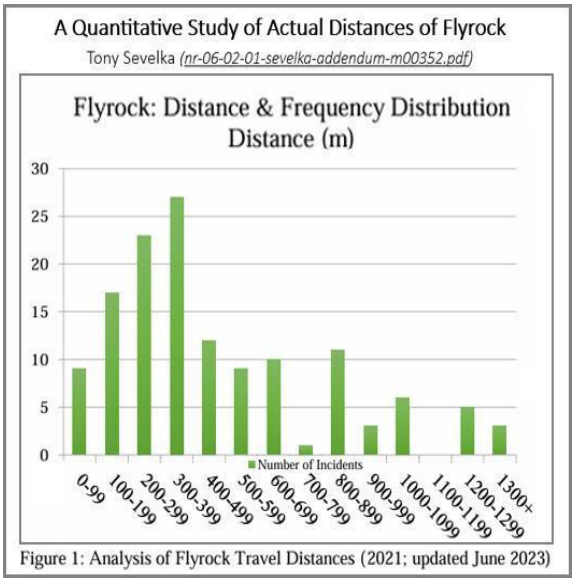

Figure 1: Analysis of Flyrock Travel Distances (2021; updated June 2023)

Left: A study by industry expert Tony Sevelka, using documented flyrock events and distances, found that 94% of the recorded flyrock incidents could have been avoided if the setback distance had been 3,281 ft (1000 meters

Sevelka identifies DISTANCE as the most reliable and effective safeguard against impacts from blasting, particularly in areas adjacent to residential neighborhoods and critical infrastructure. *(Sevelka, Tony. "Property Value Impacts Occasioned by Aggregate Extraction Operations." Journal of Environmental Law & Policy 2, no. 3 (2023): 1–78.* https://www.grassrootsjournals.org/jelp/0203m00310.html#status) https://www. grassrootsjournals.org/jelp/0203m00310.html#status)

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APPENDIX, CONDITION 23: SEISMIC MONITOR PLACEMENT

The map to the left shows the preferred area of placement for a seismic sensor in the Allied Gardens community, as of March, 2025.

Without proper sensor placement in affected neighborhoods, deviations in blasting impact go undetected. **And without that data, neither the operator, the City, nor residents can meaningfully evaluate the safety and effects of quarry operations.**

Left: **Typical 2024 placement of seismic sensors:** Two in Tierrasanta, one in Mariposa NONE in Allied Gardens.

Typically, blast energy radiates outward in a symmetrical pattern. However, **the blast on March 27, 2024 deviated from the typical pattern.** The sensors in Mariposa and Tierrasanta read much lower than they usually do.

In contrast, residents in Allied Gardens—much farther from the blast site—reported unusually strong impacts. While Allied Gardens residents may occasionally feel quarry blasts, the intensity of this particular event was abnormally severe. However, since no sensors were placed in Allied Gardens, there is no record of how strong the vibration truly was in that neighborhood. **This absence of data makes it impossible to fully analyze the blast's impact or determine what went wrong.** When a blast feels "out of the ordinary," the lack of sensor coverage becomes a serious gap in safety oversight and public accountability.

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APPENDIX, NEW CONDITION: PUBLIC SERVICE ANNOUNCEMENT: SAMPLE

Below is the text for the Public Service Announcement

A Public Service Announcement from Superior Ready Mix

As required by Conditional Use Permit 82-0611, amended 202X

[Date]

You are receiving this announcement because you live within 2700 feet of Superior Ready Mix, located at 7500 Mission Gorge Road. Superior Ready Mix (Superior) operates a quarry, asphalt plant, concrete plants, rock crushing plants and also operates a fleet of trucks for delivery of its products.

Since the late 1920's, the quarry has been producing goods and services which are considered valuable commodities, necessary to the infrastructure of our society. In 1969, a Conditional Use Permit (CUP) was granted to the owners of the facility. The CUP has the dual purpose of permitting the facility to operate and protecting the health, welfare and wellbeing of the nearby community.

Over the years, both mineral resources and land for residential development have become scarcer, and side-by-side coexistence of quarry and homes can become a challenge. Should a problem arise, Superior wants neighbors to have the correct contact information readily available. Please keep this announcement handy.

BELOW IS CONTACT INFORMATION FOR OFFICIAL AGENCIES

Regulatory agencies are charged with protecting the public health and the environment. They have the resources to promptly investigate and help solve problems. Your identity can be protected under most circumstances.

- Odors, emissions, dust, health concerns, pollutants: Contact the Air Pollution Control District (APCD) 858-586-2650 or APCDcomp@sdAPCD.org
- Sediment tracked out into Mission Gorge Road or debris entering storm drains: Contact San Diego Stormwater Code Enforcement: swppp@sandiego.gov or 619-235-1000
- Noise, safety of operations, allowed hours of operation, blasting/vibration concerns: Contact San Diego Code Enforcement: Shea Fitzgerald-Brennan, SFitzgeraldB@sandiego.gov
- Request to be notified for any official permitting notices for 7500 Mission Gorge Road: Contact Development Services: Renee Mezo, RMezo@sandiego.gov or Travis Cleveland, TCleveland@sandiego.gov
- City contact for general information on Superior Ready Mix: name XXXXXXXXX

BELOW IS CONTACT INFORMATION FOR SUPERIOR READY MIX

Sometimes people want to call a company directly. Or they may prefer to contact the official agency and the company concurrently. Either way, Superior appreciates being notified and having the opportunity to correct a problem.

- Representative of Superior Ready Mix: Arnold Veldkamp, aveldkamp@superiorrm.com
- Opt-in for email blasting information: Arnold Veldkamp, aveldkamp@superiorrm.com or Adrian Acosta, aacosta@superiorrm.com

A MESSAGE FROM SUPERIOR READY MIX

Superior Ready Mix is always receptive to feedback from the community, welcoming all comments, suggestions and concerns. If a problem should arise, we appreciate being notified and having the opportunity to correct it. We also encourage concurrent reporting to the appropriate regulatory agency. We want to correct problems as quickly as possible. Please call me with any concerns or questions.

--signature and contact info

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APPENDIX, NEW CONDITIONS: PUBLIC NOTICE PACKAGE / PUBLIC SERVICE ANNOUNCEMENT – AREA FOR CUP NOTIFICATION

AREA FOR CUP NOTIFICATION
Red - suggested area of notification
Green - legally required area of notification
Yellow - boundary of CUP production area
Google

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(Appendices continue on next page)

APPENDIX, NEW CONDITION: NOISE – SOUND STUDY CRITERIA

The final results from a complete noise study for the Facility to determine the impact of noise on the surrounding area should produce the following results:

- Determine the sound level of the Facility, especially where the facility and residential areas meet.
- Evaluate nuisance noise for neighbors, especially in nearby residential indoor rooms or outdoor areas, such as, but not limited to backyards/patios/balconies that face the facility.
- Determine how each major piece of equipment contributes to the sound level of the Facility.
- Suggest mitigation strategies based on the findings of the noise study. This could include changing traffic routes, implementing noise control measures, providing sound barriers, modifying/upgrading equipment.
- Start a schedule/policy for conducting regular noise monitoring to ensure that the noise levels remain within acceptable limits with the noise study being updated as necessary, based on changes in operations, noise levels, or regulations.

The noise study for the Facility should include:

- Assessment of the problem.

  1) Nearby residents have complaints about the noise from the Facility.

  2) The Facility is obligated to abide by The City's noise regulations, but the noise level of the Facility (the decibel level at its boundary) is not known and nuisance noises have not been addressed or verified.

  3) Neighbors should be interviewed for first-hand information about their perception of how the noise from the Facility affects them: how the perceived noise levels vary from day to day and hour by hour, how the noise sems to have a pattern with Mondays usually seeming the loudest and Fridays usually having the least noise, with the noise being worse in the mornings and tapering off by early afternoon.

- Receptor identification. Multiple residential properties need to be identified to be used as a sample for nuisance noise evaluation. Property owners must be willing to work with personnel from the sound study since sound measurements will need to be taken on the properties. Commercial properties on Mission Gorge Road should also be included.

- Equipment used. Noise data should be collected using professional equipment that meets all City requirements.

- Noise Measurements.

  1) Nuisance noise data should be collected from where the noise is heard, which is often in nearby residents' backyards or other outdoor areas. Sometimes the noise is loudest in interior rooms, especially rooms that face the quarry.

  2) Noise data at the Facility should include measurements at the property line and in areas with high noise exposure, including vehicle traffic and significant noise-generating equipment.

  3) Noise data should be collected in such a way that meaningful results can be computed.

- Noise averages. Averages should be hourly because residents hear noises as they are made, not as they are averaged over eight hours or multiple days. They should also be computed each day of the week (Monday through Saturday) since the community's perception is that noise levels and operating times vary a lot, depending on the day of the week.

- Vibration measurements. Peak Particle Velocity (PPV) measurements should be included.

- Noise Source Identification. Identify all potential sources of noise in the quarry and production area, including machinery, blasting, grinding, drilling, trucks, traffic and other operational processes.

The noise study for the Facility should be conducted over a period of three consecutive weeks, to get the most accurate results, as agreed by both the Applicant and community members.

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